

***United States Court of Appeals  
for the Second Circuit***



**EXHIBITS**





75-3252

Exhibit Volume B



Andrew W. Dash, Claimant and Wage Earner

Account Number 089-12-9492

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

ANDREW W. DASH

Plaintiff

vs.

Civil Action No. 74C-477

CASPAR WEINBERGER,  
SECRETARY OF HEALTH,  
EDUCATION, AND WELFARE,

Defendant

C E R T I F I C A T I O N

I, Philip T. Brown, Deputy Chairman, Appeals Council, and Deputy Director, Bureau of Hearings and Appeals, Social Security Administration, Department of Health, Education, and Welfare, under authority conferred upon me by the Secretary, hereby certify that the documents annexed hereto constitute a full and accurate transcript of the entire record of proceedings relating to the application of Andre Dash to establish a period of disability, and his claim for disability insurance benefits under title II of the Social Security Act, as amended, such transcript including application for a period of disability and disability insurance benefits, testimony and other evidence upon which the decision of the administrative law judge of the Bureau of Hearings and Appeals, Social Security Administration, was based.

Date: May 14, 1974

*Philip T. Brown*  
\_\_\_\_\_  
Philip T. Brown

Andrew Dash  
(Claimant)

089-12-9492  
(Social Security Number)

1

(Wage Earner) (Leave blank if same as above)

EXHIBITS

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Andrew Dash

(Claimant)

089-12-9492

(Social Security Number)

2

(Wage Earner) (Leave blank if same as above)

EXHIBITS

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Andrew Dash  
(CLAIMANT)

089-12-9492  
(SOCIAL SECURITY NUMBER)

(WAGE EARNER) (LEAVE BLANK IF SAME AS ABOVE)

AC EXHIBIT LIST

EXHIBIT NO.

DESCRIPTION

COURT TRANSCRIPT  
PAGE NO.

AC-1

Letter dated January 9, 1974,  
from Franklyn J. Engel with  
attached medical reports

214-230



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
P.O. BOX 2518, WASHINGTON, D.C. 20013

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REFER TO IHA-2  
089-12-9492

BUREAU OF  
HEARINGS AND APPEALS

ACTION OF APPEALS COUNCIL ON REQUEST FOR REVIEW

Mr. Andrew Dash  
959 Kent Avenue  
Brooklyn, New York 11205

Dear Mr. Dash:

Your request for review of the administrative law judge's decision has been carefully considered by the Appeals Council. The Council's consideration of your request has included all the evidence in your case, the law and regulations applicable to your claim, the evaluation of the facts and the reasoning in this decision, and your reasons for believing your claim should be allowed. Evidence in addition to that which was before the administrative law judge has been received by the Appeals Council.

The Appeals Council has concluded that this decision is correct. Further action by the Council would not, therefore, result in any change which would be of advantage to you. Accordingly, the administrative law judge's decision stands as the final decision of the Secretary in your case.

If you desire a review of the decision by a court, you may commence a civil action in the district court of the United States in the judicial district in which you reside within sixty (60) days from this date. See section 205(g) of the Social Security Act, as amended (section 405(g), Title 42, United States Code). If such action is commenced, the Secretary of Health, Education, and Welfare is the proper defendant.

Sincerely yours,

Irwin Friedenbergl  
Member, Appeals Council

cc:  
Mr. Franklyn J. Engel  
Attorney at Law  
Brooklyn, New York 11201



DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BUREAU OF HEARINGS AND APPEALS

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ORDER OF APPEALS COUNCIL  
RECEIPT OF ADDITIONAL EVIDENCE

In the case of

Andrew Dash

(Claimant)

Claim for

Period of Disability and  
Disability Insurance Benefits

089-12-9492

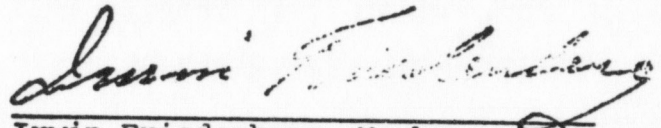
(Social Security Number)

(Wage Earner) (Leave blank if same as above)

Evidence in addition to that which was before the administrative law judge has been received by the Appeals Council and is hereby made a part of the record. That evidence consists of a letter dated January 9, 1974, from Franklyn J. Engel, with attached medical reports and is hereby marked as Exhibit AC-1.

APPEALS COUNCIL

Date: January 28, 1974

  
Irwin Friedenber, Member

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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IHA:512  
089-12-9492

Mr. Franklyn J. Engel  
Attorney at Law  
50 Court Street  
Brooklyn, New York 11201

2 JAN 1974

Dear Mr. Engel:

Re: Mr. Andrew Dash, 959 Kent Avenue  
Brooklyn, New York 11205

This is in response to your letter dated December 14, 1973, requesting a further extension of time to submit additional medical evidence. However, we wish to remind you that you have been granted over 4 months to submit the additional evidence.

While the Appeals Council wishes to afford you every opportunity to obtain all evidence, we cannot defer action on Mr. Dash's claim indefinitely.

The Council will, therefore, not take any action on Mr. Dash's case for an additional period of 10 days from the date of this letter. If the evidence has not been received by the end of the 10 days period, the Council will proceed with its final action on this case.

Sincerely yours,

Irwin Friedenberg  
Member, Appeals Council

cc:  
Mr. Andrew Dash

IRVING ENGEL  
FRANKLYN J. ENGEL

COUNSELLORS AT LAW

TEL. (212) 624-7270

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50 COURT STREET  
BROOKLYN, N. Y. 11201

December 14, 1973

Mr. Irwin Friedenberg  
Member, Appeals Council  
Bureau of Hearings and Appeals  
Social Security Administration  
P.O. Box 2518  
Washington, D.C. 20013

Re: Mr. Andre Dash  
HA:P  
089-12-9492

Dear Mr. Friedenberg:

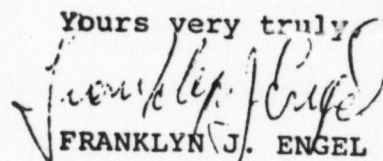
This will advise you that we are having some difficulty obtaining the required medical records from the New York City Fire Department with respect to the aforementioned claim. I have been advised that there has been some confusion as the result of a request for some of the same records earlier this year. In any event, I have been promised that the Department is doing everything possible to expedite my requests.

In addition, I have not as yet received a reply from two of the doctors whom I have written to.

We appreciate every consideration you can give us in this regard. You can be assured that I will forward this additional medical evidence just as soon as it is received.

Thank you.

Yours very truly

  
FRANKLYN J. ENGEL

FJE:hw



IRVING ENGEL  
FRANKLYN J. ENGEL

COUNSELLORS AT LAW

TEL. (212) 624-7270

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50 COURT STREET  
BROOKLYN, N. Y. 11201

November 7, 1973

Mr. Irwin Friedenber  
Member, Appeals Council  
Department of Health, Education & Welfare  
Social Security Administration  
P.O. Box 2518  
Washington, D.C. 20013

Re: Andre Dash - SS# 089-12-9492 HA:P  
959 Kent Avenue  
Brooklyn, New York 11205

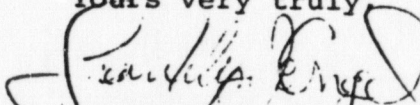
Dear Mr. Friedenber:

In your letter of October 25, 1973, this will  
advise you that we are still in the process of compiling  
new medical evidence to submit in this claim.

It is expected that we will be ready to proceed  
within a month's time, however, it would appear that the  
medical profession has its own ideas when it comes to  
deadlines therefore I will keep you advised if it appears  
that there will be any further delay.

In any event, I will make every attempt to submit  
all medical evidence within 30 days from the date hereof and I  
appreciate your cooperation in this matter to date.

Yours very truly

  
FRANKLYN J. ENGEL

FJE:hw

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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HA:P  
089-12-9492

Mr. Franklyn J. Engel  
Attorney at Law  
50 Court Street  
Brooklyn, New York 11201

25 OCT 1973

Dear Mr. Engel:

Re: Mr. Andre Dash, 959 Kent Avenue  
Brooklyn, New York 11205

On September 21, 1973, you were advised that you should submit any additional medical evidence to the Appeals Council within 20 days from the date of that letter, or inform us within that time when such evidence may be forthcoming. To date we have not heard from you.

If we do not hear from you within 15 days from the date of this letter, we shall proceed with our final action in this case.

Sincerely yours,

Irwin Friedenbergy  
Member, Appeals Council

cc:  
Mr. Andre Dash



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
P.O. BOX 2518, WASHINGTON, D.C. 20013

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BUREAU OF  
HEARINGS AND APPEALS

REFER TO:  
HA:P  
089-12-9492

Mr. Franklyn J. Engel  
Attorney at Law  
50 Court Street  
Brooklyn, New York 11201

21 SEP 1973

Dear Mr. Engel:

Re: Mr. Andrew Dash, 959 Kent Avenue, Brooklyn, New York 11205

This is to acknowledge receipt of your request for review and accompanying letter dated August 14, 1973, on behalf of the above stated claimant.

In your letter dated September 4, 1973, you also indicated that you were securing additional medical evidence and requested that final action be delayed until such evidence was obtained. You should submit this information to the Appeals Council within 20 days from the date of this letter or inform us within that time when it may be expected.

In regards to attorney fees, the general provisions pertaining to legal representation of claimants before the Administration are applicable to claims before the Appeals Council. If benefits are awarded to the claimant, 25 percent of said benefits are withheld in anticipation of attorney fees, contingent upon a substantiating petition by the legal representative.

Sincerely yours,

Irwin Friedenberq  
Member, Appeals Council

CC:  
Mr. Andrew Dash



IRVING ENGEL  
FRANKLYN J. ENGEL

COUSSELLORS AT LAW

TEL. (212) 624-7270

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50 COURT STREET  
BROOKLYN, N. Y. 11201

September 4, 1973

H.E.W.  
Appeals Council  
Bureau of Hearings and Appeals, SSA  
P.O. Box 2518  
Washington, D.C. 20013

Re: Claim of Andre Dash  
SS #089-12-9492

Gentlemen:

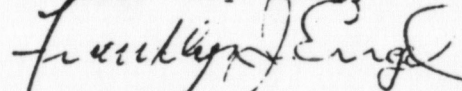
On August 14, 1973, I forwarded a timely request for review of hearing examiner's action in behalf of the above-named claimant and have subsequently received a reply from your office in the form of a copy of the original request. It is notable, however, that the spaces for your acknowledgement of such request are blank. I would appreciate it if you could send me another reply with the acknowledgement section completed.

In addition, it has been necessary for me to write to several physicians for additional medical evidence and I trust you will not take any action with respect to this claim until such additional evidence is received.

Finally, as it has been my experience that the various subdivisions within the Social Security Administration have special rules with regard to setting of counsel fees, I would like to know if there are any such guidelines for attorneys operating at this level.

I appreciate your cooperation in this matter.

Yours very truly,



FRANKLYN J. ENGEL

FJE/gr



DEPARTMENT OF HEALTH, EDUCATION AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BUREAU OF HEARINGS AND APPEALS

REQUEST FOR REVIEW OF HEARING EXAMINER'S ACTION

Take or mail original and all copies to your local social security office.

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CLAIMANT <i>Andre Dush</i>	CLAIM FOR <input checked="" type="checkbox"/> Entitlement to Disability Benefits (97) <input type="checkbox"/> Continuance of Disability Benefits (98) <input type="checkbox"/> Other
WAGE EARNER (Leave blank if same as above.)	
SOCIAL SECURITY NUMBER <i>084-12-9192</i>	(Specify type claim)

I disagree with the hearing examiner's action on the above claim and request that the Appeals Council, Bureau of Hearings and Appeals, review it. My reasons for disagreement are:

CLAIMANT BELIEVED THAT THE DECISION OF THE  
ADMINISTRATIVE LAW JUDGE WAS NOT BASED UPON THE  
EVIDENCE AND LAW AND THAT THE DECISION BE  
REVIEWED AND REVERSED.

Attach to this form, or forward within 10 days to the Appeals Council at the address shown below, any evidence you wish to submit.

Signed by: (Either the claimant or representative should sign - Enter addresses for both)

SIGNATURE OR NAME OF CLAIMANT'S REPRESENTATIVE <i>Franklin J. Engel</i>		CLAIMANT'S SIGNATURE	
STREET ADDRESS <i>50 Court Street</i>		STREET ADDRESS <i>959 Kent Ave</i>	
CITY, STATE, AND ZIP CODE <i>Brooklyn, N.Y. 11201</i>		CITY, STATE, AND ZIP CODE <i>Brooklyn, N.Y. 11205</i>	
TELEPHONE NUMBER <i>624-7270</i>	DATE <i>7-2-73</i>	TELEPHONE NUMBER <i>622-5323</i>	

Claimant should not fill in below this line

Is this request filed within 60 days of the hearing examiner's action? ☒ Yes ☐ No

If "No" is checked: (1) attach claimant's explanation for delay; (2) attach any pertinent letter, material or information in the district office.

ACKNOWLEDGMENT OF REQUEST FOR REVIEW OF HEARING EXAMINER'S ACTION

Request for Review of Hearing Examiner's Action in this case was filed on the date shown and at the place indicated.

The APPEALS COUNCIL will notify you of its action on your request.

Date request for review was filed

Place where request for review was filed

For the Social Security Administration

BY (Signature)

(Title)

(Street Address)

(City)

(State)

(ZIP Code)

Appeals Council  
Bureau of Hearings and Appeals, SSA  
P.O. Box 2518  
Washington, D.C. 20013



IRVING ENGEL  
FRANKLYN J. ENGEL

COUNSELLORS AT LAW

TEL. (212) 624-7270

80 COURT STREET  
BROOKLYN, N. Y. 11201

August 14, 1973

Appeals Council  
Bureau of Hearings and Appeals, SSA  
P. O. Box 2518  
Washington, D. C. 20013

Dear Sirs:

I am enclosing request for review of hearing  
examiner's action on behalf of Andre Dash, SS# 089-12-9492.

I trust this is in order. Thank you.

Yours very truly,

*Franklyn J. Engel*  
FRANKLYN J. ENGEL

FJE:gr  
encl.

DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BUREAU OF HEARINGS AND APPEALS

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To: • Mr. Andrew Dash  
959 Kent Avenue  
Brooklyn, NY 11205

**NOTICE OF DECISION**

**PLEASE READ CAREFULLY**

If you disagree, in whole or in part, with the enclosed decision of the hearing examiner, you may request the Appeals Council to review it. However, your request for review must be filed within 60 days following the date shown below.

You, or your representative, may file the request for review at the nearest office of the Social Security Administration, or you may file the request for review with the hearing examiner, or with the Appeals Council.

Unless you file a timely request for review by the Appeals Council, you may not obtain a court review of your case under sections 205 (g) and 1869 (b) of the Social Security Act.

This notice and enclosed copy of hearing  
examiner's decision mailed to the claimant on  
June 12, 1973

CC:

Name and Address of Representative:

DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BUREAU OF HEARINGS AND APPEALS

15

HEARING DECISION

In the case of

Andrew Dash

(Claimant)

(Wage Earner)(Leave blank if same as above)

Claim for

Period of Disability and  
Disability Insurance Benefits

089-12-9492

(Social Security Number)

This case is before the Administrative Law Judge upon a request for hearing filed by Andrew Dash, hereinafter called the claimant, who is dissatisfied with the determination of the Social Security Administration, Department of Health, Education, and Welfare, disallowing his application for the establishment of a period of disability and disability insurance benefits under the provisions of the Social Security Act, as amended. A hearing was held in Brooklyn, New York on May 2, 1973 before the undersigned Administrative Law Judge, after proper notice, with the claimant present and participating. Also present at the hearing was Arthur Bierman, Vocational Expert. The claimant did not wish to be represented by an attorney although he was fully advised to his right of counsel.

On August 30, 1971, the claimant filed an application for the establishment of a period of disability and disability insurance benefits based upon his own earnings record, and by letter dated December 8, 1971, was informed that it had been determined that his impairment was not of such severity as to prevent substantial gainful work and, consequently, he was not entitled to establish a period of disability and to disability insurance benefits. A request for reconsideration was made on February 28, 1972, and by letter dated August 17, 1972 the claimant was advised that after reconsideration, the Social Security Administration confirmed its initial determination. The request for hearing was timely filed on August 21, 1972.

In connection with his application, the claimant stated he was on September 10, 1929, had completed two years of college and had last worked as a fireman. He alleged he became unable to work on October 12, 1970 because of anxiety neurosis and enlarged liver.



STATEMENT OF ISSUES AND APPLICABLE LAW

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The general issues before the Administrative Law Judge are whether the claimant is entitled to a period of disability and to disability insurance benefits under Sections 216(1) and 223, respectively of the Social Security Act, as amended. The specific issues are whether the claimant was under a "disability," as defined in the Act as amended, and if so, when such disability commenced and the duration thereof, and whether the special earnings requirements of the Act are met for the purpose of entitlement.

Section 216(1) of the Social Security Act provides for the establishment of a period of disability and Section 223 of the Act provides for the payment of disability insurance benefits where the requirements specified therein are met.

Section 223(d)(1) of the Social Security Act, as amended, defines "disability" (except for certain cases of blindness) as the "inability to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." Section 223(d)(A) further provides that "an individual (except a widow, surviving divorced wife, or widower for purposes of Section 202(e) or (f)) shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding (with respect to any individual) "in the national economy" means work which exists in significant numbers either in the region where such individual lives or in several regions in the country."

Section 223(d)(3) further states "For purposes of this subsection, a 'physical or mental impairment' is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques."

SUMMARY OF THE MEDICAL EVIDENCE

In support of his claim there are submitted two hospital records from the New York and Brooklyn VA Hospitals. The first shows an admission to the New York facility on August 6, 1957 with a chief complaint of nausea, vomiting and diarrhea for four hours prior to admission. The history gives a record of the claimant being seen in 1945, 1946 and 1947 by members of the psychiatric service who told him he was working too hard. The physical examination one day after admission, with the exception of mild diffuse tenderness over the abdomen was normal. It was noted that he was

slightly anxious and somewhat hyperactive being very worried about his condition and all the other complaints he had for the past years. Laboratory tests were also normal. The final diagnosis was acute gastroenteritis and listed as a condition for which care was not given, was anxiety neurosis. 17

On September 25, 1957, there was an admission to the Brooklyn VA Hospital, with a history of fever, pleuritic pain and wheezing for three days. The history also notes a hospitalization for mild hepatitis at Adelphi Hospital in March 1957. Physical examination revealed a 3 finger breadths palpable liver. Liver chemistries were found to be entirely normal and the claimant was asymptomatic throughout most of his hospitalization except for occasional complaints of a burning type of pain over the liver area and, at other times, a feeling that the liver was enlarged. The final diagnosis was bronchopneumonia, improved.

There is also submitted a clinic record from the VA Psychiatric clinic, Brooklyn, New York indicating visits from May, 1969 through February 23, 1973. There are 19 visits during that period of time. On August 29, 1969 the note indicates he gets anxiety but knows how to handle it. On October 29th, the CBC was within normal limits. On January 20, 1970 he had been complaining of pain below the left rib border and was referred to another clinic. A note of February 16th indicates the pains had subsided. On August 3, 1970 the note indicates he was tense and anxious and was to take a three week rest from work for medical reasons and on August 21st there was no change. The claimant stated he felt he was still unable to work for two weeks. On January 14, 1971 the claimant's girlfriend came in for treatment. The note indicates that the claimant had gotten upset at work over what he considered racial discrimination, and he was to return in two weeks. The next note is on May 5, 1971, when an orthopedic consultation was performed because the claimant was complaining of muscle spasm and pain in the left shoulder of one weeks duration, without improvement by analgesics. Examination of the shoulder revealed no swelling, deformity and no restriction of mobility. On July 14, 1971 the note indicates he had been on sick leave and would retire on disability. He stated that he was depressed and had anxiety, that he had come to the clinic twice without an appointment and fell asleep on two occasions. At that time he was on Elavil 25 mgs TID, and Trilafon BID. On September 13, 1971 the note indicates he was retired, that he denied drinking since his last visit and he wanted to devote himself to community action. His complaint was that he slept too much. He denied hallucinations but felt that there were racial prejudices in the department and it bothered him. On November 5, 1971 the claimant stated that he got nervous and tense and took more medication to calm down. At that time he was in good contact coherent and relevant. He denied hallucinations. He believed that on his last job he was discriminated against because of his color. The note indicated that he was separated from his family because he did not get along with them. He denied drinking but he had hepatomegaly. His prescription was changed



to Valium 50 mgs TID and Elavil. A general summary note on that date indicates he complained of GI symptoms when upset and that he was pre-occupied with his health. The prognosis was indicated as remaining guarded. On February 14, 1972 he did not come for his appointment. On March 10, 1972 he felt that the treatments slowed him down too much and the note again indicates he had hepatomegaly. The treatment was Valium and Elavil. On July 26, 1972, the note indicates the claimant had not been seen since March, 1972. On July 26th liver profile tests were done which were normal. On August 25th the B.P. was 135/95. On September 7, 1972 the annual physical examination was performed. He complained of feeling tired, his appetite was good, he had occasional mild chest pain relieved by belching, B.P. was 128/88 (R), 138/90 (L), repeated 162/94, 138/90, 138/88. Examination of GI system, GU, ENT, lungs, extremities were negative.

Examination of the abdomen revealed it was soft, that there was no hepatosplenomegaly and no tenderness. The diagnosis was anxiety state and labile B.P. A clinic note of October 26, 1972 indicates he was restless, was loafing around, lacked volition and did not keep appointments. On February 14, 1973 a consultative examination was performed because of complaints of chest pain. The results of EKG and other tests done were normal; examination of the abdomen indicated hepat, edge 3 F rt cm with the spleen and femoral artery not palpable. The B.P. was 144/80, 160/92. The clinic note indicates he was in a depressed mood and that he sometimes was afraid to go to the clinic. On February 23, 1973 the B.P. was 152/90.

The next report submitted is a hospital report from LaGuardia Hospital. Admission date of October 19, 1970 and a discharge date of October 26, 1970. He was admitted with a history of hurting his thumb in a fight two weeks prior thereto. At the time of admission the physical exam was normal, X-ray of the chest, urinalysis, CBC was normal. X-ray of the right hand showed fracture of the right thumb. An internal fixation fracture was performed, post-operative course was uneventful and he was discharged on October 26, 1970. On July 14, 1971 an examination was performed at the New York Diagnostic Center Clinic. Various blood tests were performed. The report indicates special examinations as follows: T-3-25.4, T-4-4.3. The trans (SGP) 13 units, the Thymol Turbidity-3.3 units, Bilirubin - 0.3 mgs %, Cephalin Flocculation - +1. The abnormal findings were 1) hepatomegaly (enlarged liver) probably secondary to early cirrhosis (liver function test normal 2) normal thyroid function. It was recommended the claimant have a complete blood count, that he discontinue taking alcohol and that he have a early physical examination.

On June 23, 1972 the claimant was examined by Austin Moore, M.D. a Board Certified Psychiatrist at the request of the State Agency. Dr. Moore gives a history related by the claimant as his being able to cope with the physical dangers of the fire department but unable to cope with the racial attitudes of the department which led to anxiety. He was on sick leave from October 1970 to September 1971 when he was retired. He indicated he was seen by a private psychiatrist at the request of the

fire department who advised retirement. He was not retired at his request but at the request of the department. His medical history included hepatomegaly since 1957 and hypertension. The claimant denied drinking heavily. His physical complaints consisted of chest pain, bloating of the stomach, headache and tingling of his fingers. The report indicates that the claimant came to the office by car and had trouble using the subways because he felt weak and was fearful that he would fall on the track. He was neatly dressed, appeared his stated age and made good contact. He was articulate, spoke with pressured speech and was coherent, with no evidence of loosening of association; psychomotor activity was normal. Thought content revealed he was concerned with injustices done to himself and others because of his race. He denied paranoid ideations although some were evident in thinking. He had written letters to his Congressman to protest injustice. He suffered with anxiety attacks which resulted in palpitations with sweating and shortness of breath brought on by stress. These were relieved by his taking medications which acted in a matter of minutes and reflected a hysterical quality. He admitted to infrequent mild depression which resulted in feelings of disgust rather than life not being worthwhile. He denied hallucinations at any time, the mood was neutral, his affect was mildly anxious and he was phobic for height. His sensorium was clear, oriented in all spheres, memory was intact, intelligence above average, insight was good and judgement was preserved. Dr. Moore indicates his impression was anxiety neurosis chronic, that the daily activities consisted of writing letters to congressman, listening to radio stations expressing his views on social interests, and that rehabilitative efforts should be directed towards a vocational rehabilitation program. He indicates prognosis as guarded but that he could care for any benefits granted.

Two reports were submitted post-hearing signed by two physicians for the Cuna Mutual Insurance Society. The first gives a date of first visit as November 3, 1970, date of last visit May 25, 1971 with onset of symptoms as of October 13, 1970 and ceasing of work on that date due to pain and swelling from a Bennett fracture of the right thumb. The report indicates no total disability for any occupation. A second report gives the date of first visit as September 1971, the date of last visit as October 15, 1972 with a complete physical done on January 5, 1972. The history portion indicates the symptoms first appeared and work ceased because of the disability in October 1970. It lists subjective symptoms of anxiety neurosis, enlarged liver and hypertension (B.P. is recorded as 160/90), progress as unimproved, totally disabled for regular or any occupation, not a suitable candidate for a rehabilitation program and competent to endorse checks and direct the use of the proceeds thereof.

#### SUMMARY OF CLAIMANT'S TESTIMONY

The claimant testified that he was born September 10, 1924 in Brooklyn, New York. He is 5'7" tall and weighs 180 pounds. He is married and separated from his wife. A child, under 18 years old, lives with her. He is presently living with a companion by whom he has two children,



both under 18. In all he has 6 children. He presently gives his wife \$172 a month for mortgage payments on the house. He resides at 957 Kent Ave., Brooklyn, New York. He came to the hearing by taxicab. He owns a 1963 Pontiac car which he drives as little as possible. Last year he drove approximately 12,000 miles. He doesn't take buses. The subways are out as far as riding is concerned because when a train goes by he is afraid it is going to suck him in. Getting on and off the train is also a problem for him.

He attended grade school and high school for one term. He dropped out of school. He later received an equivalency diploma. He attended NYU for six months and left because of the pressure; he then went to Brooklyn College and majored in Police Science and Administration. He spent one semester at the John Jay College. His last job was as a Fire Marshall. He gives a work background as being employed in a grocery store and shined shoes while attending grade school. When he was 16 years old he was employed by the Pennsylvania Railroad as a coach lunchboy. In the service he held various jobs such as mess sargeant, supply sargeant and motor pool sargeant where he did the requisitioning of supplies and various other administrative duties. He was recommended for officer's training school but because of a racial quota he couldn't go. When he got out of the service, he got married and took a job with the baggage department at Penn Railroad where he worked from 1945 to 1948. This job involved pulling sacks of mail. In 1948 he took a job as a bus driver which he kept until 1967. It was during this time he went to school nights and worked weekends as a salesman and tending bar. In 1957 he was in a car accident and became nervous when his daughter became injured. He was in St. Catherine's Hospital for two weeks with a hairline fracture of the right rib. He was there for about 12 days and then went back to work but he indicates that while driving the bus the rib went into the liver and affected his right arm. He began getting jittery, upset, unable to cope and do things and wound up in the VA Hospital on 23 St. where he stayed for two weeks. He went to a HIP doctor, a Dr. Krinsky, because he still was not feeling right. He went to the Ryerson VA clinic and they put him back in the VA Hospital for several weeks where they treated him for pneumonia. It was there that they first called his attention to an enlarged liver. He thought it was the Equinal that was enlarging his liver. He testified that he never drank except on a social level and at times about one or two shots per day. Following his release from the VA Hospital he went to the Mount McGregor Rest Home until April, 1958. At that time he refused welfare payments and in June 1958 he started working for the Fire Department.



He worked as a firefighter for four or five years and then moved into fire inspection for three years. In 1966 he became a Fire Marshall which is the detective division of the Fire Department and he was involved in making inspections in determining arson cases and other matters of a similar nature. He was a Fire Marshall for a short period, a couple of months, when he returned to the job of firefighter. He left the Fire Marshall job for reasons of racial conflicts. He returned to work at a firehouse where the work was slow, dull and boring. He again ran into problems with the people there because he got involved in differences, one of which was with the fire captain. At that time he got upset again and began to get palpitations, loss of interest, shortness of breath and in October, 1970 he indicates he broke a thumb when he was mugged. He had open reduction surgery on his thumb but never went back to work at the fire house. He was on sick leave and went back to the fire department on light duty. It was during this time that they sent him out on various assignments, one was driving a red car around as a messenger job, it was a lighter job. One night he was sent out to pick up mail in a new area and he offered a ride to a fire buff who had shown other people as well as himself the messenger route. He was called one night when he had the youngster in the car and was told not to let the child ride with him any further. He got involved in a discussion with the chief about him and at that point he had shortness of breath, palpitations and leg twitching for which he went to see Dr. Bataglia, the Fire Department medical doctor. He was on sick leave from January 1971 until September 2, 1971 when he was retired after appearing before Dr. Piree at the request of the Fire Commissioner. He definitely did not request retirement and indicates that while he was driving in the red car performing messenger duties he did not have any physical symptoms.

He indicates that from the period of time from January to September 1971 he was in a state of confusion, and he wasn't able to function as a man should have during that time. He couldn't handle his business administratively, financially or otherwise. He had loss of memory of recent occurrences, for example, if a man borrowed five dollars he would forget within a week. He and his wife are separated and he wasn't getting along well with her at the time. He thought that getting involved with another person would help. At that time, when he picked up with his present girl, he got involved and had a child; he did this to motivate him to obtain aggressiveness again, since he had lost all of his aggressiveness, love and feeling for anyone. All he has now is compassion. He can develop that, but then he seems to move in a different manner. He presently has no drive and doesn't feel anything for anybody that he should have. He just cannot get emotionally close to anyone. He presently takes by way of medication

a half tablet of Elavil. He indicated that drinking is not the prime factor in liver damage; that nerves, emotional problems and coffee can affect the liver and that tranquilizers are the greatest factors in liver damage. He testified that sometimes he finds a beer most relaxing and that he spends his time sitting looking at TV, reading newspapers, writing letters to Congressmen and he feels better by getting involved in community affairs. He doesn't intend to go to work again until he gets the feeling within himself. He does not intend to go back to work at things from which he bettered himself such as a porter or a shoeshine boy. He is not going to do any type of work that he feels is beneath him. He feels that the things that are helping him to get back are dealing with problems in the immediate community. When questioned as to whether he would do this type of work in a pay situation he said they would not accept him because of his medical history. When questioned as to whether he thought he would be capable of doing this type of work he stated he didn't want to do it for salary because salaried people were phonies. He indicated that any form of poverty program had corrupt people. A specific question was posed to him as to whether he thought he should be subsidized under Social Security to be able to perform these activities and he replied that that was different because he needed subsidy to maintain the moderate way of living. He indicated again that he did not want to get involved with any of this type of community work that was in a salary type situation. He further testified that he was capable of functioning when he was impressed by the integrity of an organization and if it was shown that the people involved were meaningful. He was not impressed with politicians or other using money for private purposes, and that he himself was not concerned with money other than to pay his rent and food. A specific question was posed as to whether he wouldn't or couldn't do a job involving a public service, he stated he didn't think that they would want him there. He indicated that this was the problem with his job at the Fire Department. That he was doing a job in excess of the 9 to 5 requirements and that he was criticized for this. He stated that he is a perfectionist and that that is the difficulty with him and his girl, and the reason they don't get along.

A typical day consists of getting up at 11, 12 or 1 p.m.; he takes a pill, an afternoon nap, wakes up about 6 o'clock, reads, watches the evening news, reads the paper and about 9 o'clock or at 11 he goes out again to get the News, he watches TV, smokes cigarettes, he takes his pill and goes to sleep. He sometimes goes to the bar to socialize with the men there but for other socializing, it is done rarely. He doesn't go to dances. One night last week he went to dinner with friends. He goes out to such things as Police Precinct neighborhood committee activities five or six times a month. He owns the house



he lives in and spends time maintaining it. He lives in the basement, the other two floors are rented. He receives rentals of \$130 and \$96 respectively, the mortgage payments are \$173 a month. His retirement pension from the Fire Department is \$477 per month which he has received since September 1971. His VA pension is \$307 a month which he has received since January 1973 based on his disability. Prior to 1957 he had a 10% disability, however, when he began with the Fire Department he had to give up his pension, or he would not have been hired. He then reapplied for it and got it back when he retired. The heat for the house runs about \$100 per month, electricity and gas about \$30 per month.

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#### SUMMARY OF VOCATIONAL EXPERT'S TESTIMONY

Mr. Arthur Bierman, a vocational expert was called upon to testify. He gave the claimant's background and transferrable skills of doing a variety of work such as a shoeshine boy, coach boy, bartender, bus driver, car salesman, fireman and the police type work he had done. He indicated the range was significant and each job was interrupted at the time to get a higher position. He indicated that all jobs were related in the various facets involved. He had a high school equivalency, college level training and another significant aspect of his skills was his level of intelligence, knowledge and level of understanding. He indicated that all the jobs the claimant had and done, he could still do such as fire fighter, bus driver, taxicab driver, desk work of any nature in the police or fire department or as a car salesman. He had potential to do many kinds of work. Several hypotheticals were posed to Mr. Bierman. In response to the first one which included in essence all of the claimant's anxiety, nervousness, etc., he indicated that he didn't believe the claimant could perform any of his prior jobs or any jobs existing in the national economy. A second hypothetical was posed to him including the age, education, work background and training but eliminating all other nervous symptoms other than the difficulty of getting on and off trains. He indicated that with such limitations the claimant could still perform jobs such as guard, bus driver, truck driver, taxicab driver, salesman of cars or in other retail stores, and that he could perform protection service work in a variety of jobs. He indicated that the source of his job information was the Manpower Training Report of New York City for 1972; New York State Department of Labor, classified ads, newspapers and the monthly reports of the New York State Labor Committee. He indicated that all these jobs the claimant could perform without any additional training. Following Mr. Bierman's testimony the claimant posed various questions to him the salient phases being the number of jobs at which a person of the claimant's race would be hired.

EVALUATION OF THE EVIDENCE

For an individual to be entitled to disability insurance benefits under the Social Security Act, the evidence must establish that he has a medically determinable physical or mental impairment which, when considered along with his age, training and experience, prevents the performance of any substantial gainful activity. Entitlement to such benefits does not automatically arise by showing that each individual is precluded from performing his usual work. For entitlement to be found, the evidence must show that not only is he prevented by an impairment, or a combination thereof, from performing his usual occupation, but that he also lacks the residual capacity to perform other occupations within his vocational potential. Thus, it is not the existence of an impairment which is controlling, but rather, the residual capacity the individual retains for work activity in spite of such impairments.

Accordingly, the Administrative Law Judge in evaluating the evidence of record, must objectively examine the clinical, laboratory or other medical evidence to determine just what impairments exist, and, secondly, as stated above, to what extent the existing impairment or impairments interfere with the claimant's normal physical and mental functioning.

This is the case of an individual who alleged that he became unable to work on October 12, 1970 due to an anxiety neurosis. His major impairment is therefore an emotional one. Also alleged is a medical impairment in the nature of an enlarged liver. In October 1970, there was also an orthopedic impairment in the nature of a fractured thumb. A realistic assessment of the extent of restriction of activity imposed by the claimant's impairments must be based on (1) the objective clinical and laboratory findings of dysfunction and (2) the presumed severity of the associated symptoms. Accordingly, an evaluation will be made of each of the claimant's alleged impairments based on the evidence of record. The mere fact that the claimant may have a particular impairment is by itself of little significance in the absence of demonstrative evidence of loss of functional efficiency or definite indications that the condition produces such subjective distress that continuing serious curtailment of physical and/or mental activities would result.

The medical evidence in regard to the fractured thumb sustained in 1970 is sparse at best. None of the reports of physical examination subsequent to his release from the hospital following fixation of the fracture in



1970 mention

-11-

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1970 mention any residual impairment resulting therefrom nor did the statement in his testimony indicate any limitations or complaints referable to it. The prime thrust of the claimant's allegations are based on his liver condition and anxiety neurosis. Both of these conditions have been subjected to extensive medical evaluation and the assessment will be made on the basis of these evaluations. While the claimant testified he has had an enlarged liver which was brought to his attention during 1957, nowhere in the medical record is there any evidence to support findings of dysfunction other than a slight enlargement of the liver. In 1957 liver chemistries done at the VA Hospital were normal, as they were in 1971 when performed at the VA Diagnostic Clinic and at the VA Hospital Clinic in July 1972. The clinic note as recent as February 14, 1973 indicates only an enlarged liver. The results of the physical examination were in essence negative. This evidence falls far short of meeting the test of disability under 20 CFR 404.1502(b) of the Social Security Regulations; that is an impairment(s) of such severity that it results in lack of ability to perform significant functions as moving about, handling objects, hearing, speaking, reasoning and understanding so that an individual is not only unable to do his previous work in amount of earnings and utilization of capacities but cannot, considering his age, education and work experience engage in any other kind of substantial gainful activity. Adding the claimant's psychoneurotic condition to the liver ailment, the claimant still does not meet the requisites for finding disability within the meaning of the Act.

The file documents all the claimant's visits to the psychiatric clinic of the VA Hospital from 1969 to date. Nowhere does that record disclose any significant intellectual, behavioral or emotional regression or deterioration in connection with this anxiety neurosis. His visits are on a sporadic basis and none of the notes indicate behavioral psychomotor processes warranting intensive or more extensive psychiatric care. The examination by a Board Certified Psychiatrist at the request of the State Agency in 1972 also found the claimant's sensorium was clear, he was oriented in all spheres, his memory was intact, intelligence was above normal, insight was good and judgment well preserved. In light thereof reference is made to an insurance company report submitted post hearing which simply lists the diagnosis of anxiety neurosis, enlarged liver and hypertension and makes a conclusionary finding of total disability without any medical findings to substantiate disability. Parenthetically, it differs from another submitted report by the same source, listing only findings of a fractured thumb at approximately the same time, i.e., October 1970.

Some comment is in order as to the claimant's demeanor at the hearing. He was alert, responsive and impressed the Administrative Law Judge with the manner in which he answered the questions. At no time during the hearing did he display any symptomatology or any defect in his reasoning or understanding which would indicate even a minor degree of dysfunction. He himself testified that he did not request retirement and his testimony further indicates that he does in fact function in a variety of community activities at this time as well as being active in the maintenance of his three family home. He also testified that since January 1973, he is receiving a veteran's pension as well as his pension from the Fire Department. These factors are not dispositive under the Social Security Act and in regard thereto reference is made to the Regulations which at section 404.1525 provides:

"The decision of any nongovernmental organization or any other governmental agency that an individual is, or is not, disabled for purposes of any contract, schedule, regulation, or law shall not be determinative of the question of whether or not an individual is under a disability for the purposes of Title II of the Social Security Act...."

The decisive factor is whether the medical evidence establishes an impairment of such severity as to preclude any substantial gainful activity by the claimant. The Administrative Law Judge concludes that while the claimant has a psychoneurotic impairment and an impairment of the liver, these findings alone do not support a conclusion that there could be any meaningful limitation of occupational activities as a result therefrom.

The foregoing conclusion is buttressed by the testimony of the Vocational Expert who gave full consideration to claimant's work background and intelligence. This witness, who has had wide experience in the vocational field (both as a teacher and in the direct placement of handicapped people), testified to a number of jobs which he felt represented examples of the types of employment for which the claimant is vocationally qualified to perform within the limitations imposed. These were jobs such as he had performed in the past in the nature of firefighter, bus driver, taxicab driver, salesman, desk work of any nature in the police and fire departments and protection service work in a variety of jobs. The claimant gave varied reasons for not attempting to find gainful employment since he left his employment at the Fire Department. As explained in the appropriate Social Security Regulations (20 CFR 404.1502(b)), where an individual remains unemployed for a reason or reasons not due to his physical or mental impairment but because he is



unsuccessful in obtaining work he could do, or because there are no job openings for him, he may not be considered under a disability as defined in the regulations.

In light of the foregoing it is concluded and found that the credible and probative record evidence, including the medical evidence, demonstrates convincingly that as of October 12, 1970 the claimant possessed the residual functional capacity to engage in substantial gainful activity and continued to possess the residual functional capacity to engage in a variety of work as mentioned by the Vocational Expert through the date of this decision. The burden of proving a medically determinable mental or physical impairment which has lasted for 12 months or can be expected to last for a continuous period of not less than 12 months rests upon the claimant. The claimant has not sustained the burden of proof. Therefore, the claimant cannot be found to be under a "disability" within the meaning of the Social Security Act at any time on or before the date of this decision.

#### FINDINGS

The Administrative Law Judge has carefully considered the entire record of this case and based upon the preponderance of the credible evidence makes the following specific findings:

1. The claimant on August 30, 1971 filed a valid application for disability insurance benefits.
2. The claimant met the special earnings requirements on October 12, 1970 the date of alleged "disability" onset, and these requirements continue to be met through the date of this decision.
3. The claimant was born on September 10, 1929, is 43 years of age, attended school through the 2nd year of college and performed a variety of work such as a taxicab driver, firefighter, bus driver, bartender, salesman and a fire marshall, ceasing all work on October 12, 1970 because of an emotional impairment.
4. The claimant has an enlarged liver. This condition is a mild one in that all liver function tests have consistently remained normal.
5. The claimant has an emotional impairment in the nature of an anxiety neurosis which has not been shown to be of such severity as to preclude engagement in occupational pursuits.

6. Within the impairments the claimant continues to possess the residual functional capacity to engage in light and sedentary physical activity on a sustained basis.

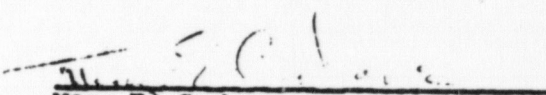
7. The claimant on October 12, 1970 and continuing until the date of this decision possessed the residual functional capacity to engage in the various jobs cited by the Vocational Expert during the course of the hearing which jobs exists in significant numbers in the national economy.

8. The claimant's impairments did not prevent him from engaging in substantial gainful activity for any continuous period of at least 12 months which began on or before the date of this decision.

9. The claimant was not under a "disability" within the meaning of the Social Security Act, as amended, at any time on or prior to the date of this decision.

DECISION

Accordingly, it is the decision of the Administrative Law Judge that the claimant, Andrew Dash, based on the application filed on August 30, 1971 is not entitled to the establishment of a period of disability and to disability insurance benefits under Sections 216(i) and 223, respectively, of the Social Security Act, as amended.

  
\_\_\_\_\_  
Mary E. Corbone  
Administrative Law Judge

Date: JAN 1 1973



Soc. Sec. # 089-12-9492

175 Remsen Street- Rm 1201  
Brooklyn, New York 11201  
May 14, 1973

Mr. Andrew Dash  
959 Kent Avenue  
Brooklyn, New York 11205

Dear Mr. Dash,

Miss Wilder, my hearing assistant informed me you have telephoned this office several times since your hearing was held on May 2, 1973. At the close of the hearing, you were given two weeks to submit an updated report from the HIP doctor you were seeing and whom you indicated you would see the next day. I am presently in receipt only of the reports from the CUNA Mutual Insurance Society which you delivered personally to this office on May 8, 1973. (see up to 201)

I am accordingly allowing you an additional ten (10) days from the date of this letter to submit any additional medical or other evidence which you would like me to consider in my decision.

Very truly yours,

Mary E. Cerbone  
Administrative Law Judge

NOTICE OF HEARING

In case of

**Andrew Dash**

(Claimant - Wage Earner)

**089-12-9492**

(Social Security Number)

Claim For

**30**

Period of Disability and

Disability Insurance Benefits

TO:

**Mr. Andrew Dash**  
**959 Kent Avenue**  
**Brooklyn, New York 11205**

Pursuant to your written request and provisions of section 205(b) of the Social Security Act, a hearing will be held by the undersigned, a Hearing Examiner of the Bureau of Hearings and Appeals, on the 2nd day of May at 9:00 o'clock in Room 1201 of \_\_\_\_\_ Building,

175 Remsen Street

(Number and Street)

Brooklyn

(City)

New York 11201

(State)

The general issues to be determined are whether you are entitled to a period of disability under section 216(i) and to disability insurance benefits under section 223(a).

The specific issues to be decided are: (1) Whether you have the required insured status under the law; and if so, as of what date(s); (2) The nature and extent of your impairments; (3) Whether your impairment has lasted or can be expected to last for a continuous period of at least 12 months, or can be expected to result in death; (4) Your ability to engage in substantial gainful activity since your impairment began; (5) When your disability, if any, began.

This hearing involves your application(s) filed on August 30, 1971

(Date)

You should be prepared to prove that you were under a disability on or before May 2, 1973

(Date)

It may be to your interest to have your physicians appear at the hearing to testify on your behalf. Be prepared to furnish: your entire work history, including names of employers, dates of employment and a description of duties; med schools and training; names of physicians who have examined or treated you; and periods of hospitalization with names of hospitals.

REMARKS:

**Please bring any additional medical evidence you may have. A Vocational Expert will be present and testifying at the hearing.**

IMPORTANT--Please sign and return at once the enclosed postal card notifying me whether you will be present at the above time and place. No postage is required on this card.

~~Administrative Law Judge~~

**Mary E. Cerbone**

Mail Address

**Bureau of Hearings & Appeals**  
**175 Remsen St. Rm 1201**  
**Brooklyn, New York 11201**

Date

**April 17, 1973**

Telephone Number

**596-5890**

cc: Representative (Name and Address)

District Office (Address)

**345 Adams Street**

**Brooklyn, New York 11201**

Enclosure

READ THE OTHER SIDE OF THIS NOTICE FOR FURTHER INFORMATION REGARDING YOUR HEARING



## IMPORTANT INFORMATION

### What is Meant by "Disability"

To be found under a "disability", an individual must be unable to engage in any substantial gainful activity due to a medically determinable physical or mental impairment which has lasted or can be expected to last for a continuous period of at least 12 months or can be expected to result in death. The impairment must be so severe as to prevent the individual from engaging not only in his usual work, but, considering his age, education, previous training and work experience, in any other kind of substantial gainful work which exists in significant numbers either in the region in which he lives or in several regions of the country.

### Appearance At Hearing

The date and time of this hearing have been set aside especially for you. Your failure to appear without good reason may cause dismissal of your Request for Hearing. Even though there is good reason, any postponement will delay disposition of your case. If an emergency arises preventing your appearance after you mail the postal card stating that you will be present, notify the Hearing Examiner promptly and give your reasons. Also advise the Hearing Examiner of the earliest date after which he can reschedule your case for hearing.

### Conduct of Hearing

The law places on you the burden of submitting evidence to support your claim. Bring to the hearing all evidence not already presented in your case.

You will have an opportunity to examine the documentary evidence on the day of the hearing. If you wish to examine it before the day of the hearing you may do so at the Hearing Examiner's office.

At the hearing the Hearing Examiner will inquire fully into the matters at issue. You may present evidence either in the form of written documents or the testimony of witnesses, or both. Your testimony and that of any witnesses will be under oath or affirmation, and a verbatim record of the proceedings will be made. You may suggest findings of fact or conclusions of law and present arguments orally or in writing.

### Representation

While it is not required, you may be represented at the hearing by an attorney or other qualified person of your choice, if you desire assistance in presenting your case. Any fee which your representative wishes to charge for his services in your case must be approved by the Bureau of Hearings and Appeals. Your representative must petition for fee approval at the conclusion of his services, and furnish you with a copy of his petition.

If you are found entitled to benefits and your representative is an attorney, 25 percent of your back benefits will normally be withheld for payment to your attorney upon approval of his fee. If the approved fee is less than the 25 percent withheld, the difference will be paid directly to you. If the approved fee is more than 25 percent, payment of the difference is a matter to be settled between you and your attorney.

If your representative is not an attorney, none of your benefits will be withheld; and payment of the fee which is approved is a matter to be settled between you and him.

If you have any other questions, your local Social Security office will be glad to help you.



# REQUEST FOR HEARING

DEC 40 1972 32

Take or mail original and all copies to your local Social Security office.

CLAIMANT'S NAME <b>Andrew W. Dash</b>	CLAIM FOR (CIRCLE TYPE OF CLAIM) <input checked="" type="checkbox"/> Entitlement to Disability Benefits <b>DIB</b> <input type="checkbox"/> DWB <input type="checkbox"/> CDB
WAGE EARNER'S NAME (Leave blank if same as above)	<input type="checkbox"/> Continuance of Disability Benefits <b>DIB</b> <input type="checkbox"/> DWB <input type="checkbox"/> CDB
SOCIAL SECURITY NUMBER <b>089-12-9492</b>	<input type="checkbox"/> Other _____ (Specify type of claim)

I disagree with the determination made on the above claim and request a hearing before a hearing examiner of the Bureau of Hearings and Appeals. My reasons for disagreement are:

**All the facts are not considered**

Check one of the following:

- ☒ I have additional evidence to submit.  
(Attach such evidence to this form or forward to the Social Security Office within 10 days.)
- ☐ I have no additional evidence to submit.

Check ONLY ONE of the statements below.

- ☒ I wish to appear in person before the hearing examiner.
- ☐ I waive my right to appear and give evidence, and hereby request a decision on the evidence before the hearing examiner.

Signed by: (Either the claimant or representative should sign-Enter addresses for both. If claimant's representative is not an attorney, complete Form SSA-1696.)

SIGNATURE OR NAME OF CLAIMANT'S REPRESENTATIVE  <input type="checkbox"/> ATTORNEY <input type="checkbox"/> NON-ATTORNEY	CLAIMANT'S SIGNATURE <b>Andrew W. Dash</b> <i>Andrew W. Dash</i>
ADDRESS	ADDRESS <b>959 Kent Ave.</b>
CITY, STATE, AND ZIP CODE	CITY, STATE, AND ZIP CODE <b>Brooklyn, New York 11205</b>

TELEPHONE NUMBER <b>622-5323</b>	DATE: <b>8-31-72</b>	TELEPHONE NUMBER <b>622-5323</b>
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Is this request filed within 60 days of the reconsideration determination? ☒ Yes ☐ No

If "No" is checked: (1) attach claimant's explanation for delay, (2) attach any pertinent letter, material, or information in the Social Security Office.

## ACKNOWLEDGMENT OF REQUEST FOR HEARING

Your request for a hearing was filed on **S.S.C. Adm. 345 Adams St Brooklyn, NY** **Dec 15, 1972**

The hearing examiner will notify you of the time and place of the hearing at least 10 days prior to the date which will be set for the hearing.

Hearing Examiner Copy	TO: <input checked="" type="checkbox"/> Hearing Examiner <i>26 Federal Plaza NY NY</i> (Location)	For the Social Security Administration
Claim File Copy	TO: <input checked="" type="checkbox"/> Hearing Examiner (Claims involving disability, retirement, survivors, all foreign claims and questions of entitlement to health insurance.)	By: <i>ME 100</i> <i>CR</i> (Signature) (Title)
	Claim File(s) Requested by Teletype	<b>345 Adams St</b> (Street Address)
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	Interpreter Needed <i>None</i> (Language)	Servicing District Office Code <b>106</b>

DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BUREAU OF HEARINGS AND APPEALS

33

TRANSCRIPT

In the case of

Claim for

Andrew Dash

Period of Disability and  
Disability Insurance Benefits

(Claimant)

089-12-9492

(Wage Earner) (Leave blank if same as above.)

(Social Security Number)

Hearing Held

at

Brooklyn, New York

on

May 2, 1973

APPEARANCES: Andrew Dash, Claimant  
Arthur I. Bierman, Vocational Expert

MARY E. CERBONE

~~HEARING JUDGE~~

Administrative Law Judge

RACHEL WILDER

Hearing Assistant



INDEX OF TRANSCRIPT

In the case of

Account Number

Andrew Dash, claimant

089-12-9492

Andrew Dash, wage earner

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(The following is a transcript of the hearing held before Mary E. Cerbone, an Administrative Law Judge of the Bureau of Hearings and Appeals, Social Security Administration, Department of Health, Education, and Welfare, on May 2, 1973, at Brooklyn, New York, in the case of Andrew Dash, Claimant and Wage Earner, Social Security Account Number 089-12-9492. The claimant, Andrew Dash, appeared in person. Also present at the hearing was Arthur I. Bierman, Vocational Expert.)

(The hearing commenced at 9:30 a.m., on May 2, 1973.)

OPENING STATEMENT BY ADMINISTRATIVE LAW JUDGE:

This is the hearing in the case of Mr. Andrew Dash, a claimant for disability insurance benefits and a period of disability on his earnings record, Social Security Account Number 089-12-9492.

Mr. Dash, my name is Mary Cerbone, an Administrative Law Judge for the Bureau of Hearings and Appeals of the Social Security Administration. I am not a representative or employee of the Bureau of Disability Insurance of the Social Security Administration which rendered the prior determination which you are questioning in this proceeding. You were advised in the notice of hearing which I sent you of your right to be represented by an attorney or other qualified person of your choice. You are not required to be so represented, and due to the fact that you are appearing here today alone in your own behalf, I assume that you have decided that you don't want to be represented, is this correct?

CLAIMANT: That's not correct. The problem here is I could not find a lawyer that wants to get involved with

, Social Security. That was the problem.

JUDGE: I see. But you're here. You want to representative yourself in this proceeding?

CLAIMANT: I want to represent myself.

JUDGE: All right. Now, I'd like to have an opportunity to explain this proceeding to you. The purpose of this hearing is to give you the opportunity to present your case to an independent Administrative Law Judge who has had no contact or connection with your case before this time. In other words, your request for hearing first came to my attention shortly after it was sent to this office to conduct a hearing, which hearing was requested by you. I had no knowledge or connection with this case at the time that the Bureau of Disability Insurance first denied your application, nor when the Bureau of Disability Insurance again denied your application when reconsideration was made. I am not bound by the two previous denials of your claim. To the contrary, I am going to make a new and independent decision based upon the exhibits or documents introduced in evidence today, or later if our hearing is not concluded today, and based upon all of the testimony by you or any witnesses you might have brought today. My decision is going to be in writing



and a copy will be sent to you.

Many times in the proceeding I'm going to refer to you as the "claimant".

The hearing is going to be conducted by me asking you and any other witnesses questions and the answers are going to be made under oath. I want you to answer the questions directly, truthfully, and accurately. When I have finished asking questions, you may introduce any additional evidence relative to the issues in this case, or you may wish to testify to some other matters which might be relevant which I haven't covered with my questioning. You have the right to make any argument you desire and to suggest to me any findings of fact and conclusions of law. The formal rules of evidence normally followed in the trial of court cases do not apply in this proceeding. The lady present is Miss Rachel Wilder, she's a hearing assistant and her purpose here is to record and preserve a record of this proceeding.

Now, also present is Mr. Arthur Bierman. Mr. Bierman is here in the capacity of a vocational expert. He is going to be called upon to testify, after which you may cross examine or ask Mr. Bierman any questions you may desire.

Mr. Dash, I show you a list of exhibits which I propose to make a part of the record of this proceeding, numbered 1 through 19. These exhibits are the pertinent



documents which I have selected from your social security file. They were shown to you by Miss Wilder before this hearing commenced. Do you agree for them to be admitted into the evidence of this hearing?

CLAIMANT: In part I do.

JUDGE: Which do you have objections to?

CLAIMANT: Well, I was looking through the records and I found some discrepancy in the report by a Dr. Moore, I think his name is.

JUDGE: Yes. sir?

CLAIMANT: And on the first sheet--there was a pink sheet. There's some discrepancies--as far as the entirety of the medical report there.

JUDGE: All right.

CLAIMANT: If you start down and call them off on the list, they'll be easier.

JUDGE: All right. This is the pink exhibit list. Just the list of exhibits that I have in the file.

CLAIMANT: Yes.

JUDGE: You realize, of course, the burden of proof is on you in this particular case. We wrote to the VA and these are the reports we have. Do you have any other medial evidence with you. I believe in your notice of hearing, I asked you to bring additional evidence. I specifically asked you to bring that because when you

requested a hearing you said you had additional information to submit.

CLAIMANT: Well, there is some information from me. I have submitted it. I submitted that in letter form to you people. In reference to guide retention going through the Health Department.

JUDGE: Well, that may be a conclusion on your part, sir. Did you obtain any additional medical reports for us?

CLAIMANT: Such as what?

JUDGE: Anything else you said that--this is what they sent us. These abstracts of the hospital records. Now, if you can show me what is not in here, I'll be happy to get it, after the hearing.

CLAIMANT: I object to Exhibit 7. No date on the Report of Disability Interview.

JUDGE: Well, that's alleged.

CLAIMANT: Exhibit 11 - Veterans Administration Clinical Notes for: 8/29/69. The Veterans Administration Clinical Notes goes as far back as 1945. I have been treated from the Veteran's Administration in 1948, rather I came out of the Service in '45--1948.

JUDGE: You're alleging disability since what date?

CLAIMANT: Well, I'm alleging disability--from the time that my disability became apparent, when I was unable to be gainfully employed. That was in October in 1970.

JUDGE: Right.

CLAIMANT: Excuse me. You know, I requested information about that.

JUDGE: You requested and this is what was sent to us and this is what we're going to find out now. If you tell me where you were going and give me your clinic notes and your clinic number, we'll get that information later.

CLAIMANT: Yes. I was being treated by the Veteran's Administration as of 1948.

JUDGE: Would you tell me where you went?

CLAIMANT: The name--I have that.

JUDGE: I need it, sir.

CLAIMANT: 12/15--I'll give you my insurance number which you may also use as part of your records.

JUDGE: Just a minute--Miss Wilder, can we use that?

HEARING ASSISTANT: All right.

CLAIMANT: You may have my serial number which is 12154838.

JUDGE: Now, we have clinic notes from the hospital there. Which do you have?

CLAIMANT: Ryerson Street--I think was the location. This is it.



JUDGE: But it was the same clinic.

CLAIMANT: Yes, it was the Veteran's Administration.

JUDGE: And you've been going to the clinic all these years, since 1945?

CLAIMANT: About 1948. I went out of the Service in 1945--'48. So it was '48.

JUDGE: You started to go?

CLAIMANT: Yes.

JUDGE: And you've been going all the years since?

CLAIMANT: All the years since.

JUDGE: How often did you go.

CLAIMANT: Well, at recent years, I go more often because at that time I was more--younger in age and I was more aggressive and my anxieties were against me.

JUDGE: Yes.

CLAIMANT: Well, I wanted to advise you why I was going.

JUDGE: No, no. We're going to bring all this out in the hearing. What I want to know now, is just about--because I have the information from '69 on--just about how long you were going privately, so that when they do send me the information. For instance, if you were going every three weeks and they send me something like just one note a year, then I'll know it's not complete.

CLAIMANT: No. You might say I was maybe once a month. Every three months. Every six months. According

to now I was working and I was gainfully employed. I only went there I got upset or I was in the hospital. I was hospitalized in the VA Hospital.

JUDGE: Do you remember when that was?

CLAIMANT: I was hospitalized in 1957. I was at point 33 in Fort Hamilton. In 1953, I went away to Veteran's Rest Camp in Mount McGregor. In 1957, I also returned back to the same place.

JUDGE: Mr. Dash, I'm going to ask you everything in the hearing.

CLAIMANT: Oh, I'm sorry.

JUDGE: See, this is just my preliminary statement. I just want to find out if you have any other hospitalizations other than these.

CLAIMANT: No. I only have what you have in the record. Treated by a private physician, yes.

JUDGE: By whom?

CLAIMANT: You have Dr. Krinsky? I think you do because there was one in that group. There, you see you have it.

JUDGE: And when were you seen by Dr. Krinsky? Well, do you think you could get this for me? To call him up and get it in for me?

CLAIMANT: I don't know. You see, this is all part of the records I'm assuming this under the HIP Health Insurance Plan. At that time I was Health Insurance Plan.



JUDGE: When was the last time you saw Dr. Krinsky?

CLAIMANT: Oh, for about a week in the 1950's.

JUDGE: Well--

CLAIMANT: --very well, what this was because you asked me how far back this went.

JUDGE: Well, I mean within the immediate years.

CLAIMANT: Well, within the immediate past years, my head doctor that I was--he was treating me was Dr. Lazlo Going. He's not in there either. He's the Health Insurance man, doctor for medical.

JUDGE: Well, if I give you two weeks, can you get a report for me?

CLAIMANT: You see, these people don't want to respond to like what I say. It seems like to me you people are an authority--not you per se, but why don't these people write these doctors and request that they send me to their places or send me to a hospital where they can get the information that you feel it's necessary to get a proper adjudication. It would be better than to run here, run there. But I can't do this running. I'm not up to that now. Running from this doctor to that doctor to get information that already is a matter of record. I'm giving you names of the doctors. I'm not pulling them out of a hat. Then you people feel that you need additional information--something from you people in writing, requesting information based on me signing with my approval. I think they'll respond to that faster.

JUDGE: Mr. Fast, I asked you if you could get one if I gave you two weeks. It doesn't call for a tirade on your part.

CLAIMANT: I didn't think you had it.

JUDGE: No. Look--it's within my province now. And the only thing I'm saying to you is that I would have given you a form and that you could get it in within two weeks time because if I write sometimes, it takes a long time to get it.

CLAIMANT: Oh, O.K. that's different. It looks as if it ain't your fault. I'll go over there. I go for that.

JUDGE: All right. Dr. Going from the HIP plan you've been seeing recently. Have you seen him since, within the last year or so?

CLAIMANT: Oh, yes. Yes.

JUDGE: All right. Miss Wilder, you'll give him a form afterwards and he'll take it over to the medics for data and we will write to see what other records we can get from the VA hospital. All right. Now, you say you have some objections to Dr. Moore's report?

CLAIMANT: Yes.

JUDGE: And what would that be, sir?

CLAIMANT: Of what I really stated when I came out of the Service in 1951.



JUDGE: Is that the only thing?

CLAIMANT: I came out of the Service in 19--oh, yes--considering that I was separated from my wife and I had not seen my children since 1948--hadn't been with my wife since 1948.

JUDGE: And?

CLAIMANT: That's incorrect.

JUDGE: Would you like to correct it for the record?

CLAIMANT: Yes, I would like to.

JUDGE: All right. Could it be vice versa? You may have gotten these mixed up?

CLAIMANT: Exactly. It seems to be.

JUDGE: Oh, all right. O.K. Then I will give you a chance to amend that. But your objection is noted for the record. Other than that, is there anything else in the file?

CLAIMANT: I didn't see any evidence in there that I sent to Congressman--Senator Javits and one to Congressman--

JUDGE: I have them, sir, I can assure you. They don't become part of the medical record.

CLAIMANT: Oh, I thought they were just--well, I was just--

JUDGE: I have the exhibit file, hearings and claims file.

CLAIMANT: Oh, a medical book--I see.

JUDGE: All right. Now, there being no other objections to the exhibits other than those indicated by the claimant, we mark and admit into evidence exhibits 1 through 19, respectively. Now, Mr. Dash, as I indicated earlier, if you want a recess during any part of the proceedings, just tell me and you know, when I have to call you, as for time, there won't be any problem. All right. Now, I'm going to summarize the record in this case before I begin my questioning of you and Mr. Bierman.

On August 30, 1971, the claimant filed an application for disability insurance benefits under the Social Security Act, as amended, alleging that due to an anxiety neurosis and enlarged liver, he became unable to work on October 12, 1970. On December 8, 1971, the claimant was informed by the Bureau of Disability Insurance of the Social Security Administration that claimant had been denied because he was not disabled within the meaning of the law and therefore, was not eligible to receive disability insurance benefits under the Social Security Regulations. Claimant requested reconsideration of the initial determination on February 28, 1972, and by letter dated August 17, 1972, was informed that after reconsideration, the initial determination of denial was affirmed. On August 21, 1972, the claimant filed a request for hearing and the



case is now before me as Administrative Law Judge.

The question for decision and the general issue is whether you, the claimant, are entitled to disability insurance benefits under section 223 of the Social Security Act, as amended, and whether a period of disability may be established under section 216(i) of such Act.

The specific issues on which I will make findings and conclusions are the nature and severity of your impairment, whether such impairment will or can be expected to be for at least 12 continuous months or result in death, the claimant's ability to engage in substantial gainful activity, the date of onset of disability if found to exist, whether the special earnings requirement was met on claimant's employment and earnings, and, if so, as of what date.

Now, Mr. Dash, with that as a general background, I'm going to ask you and Mr. Bierman, I will ask you also, at this time. Raise your right hand and be sworn in.

(The claimant, ANDREW DASH, having been first duly sworn, testified as follows:)

EXAMINATION BY THE ADMINISTRATION LAW JUDGE:

Q Mr. Dash, please state your date and place of birth?

A My name is Andrew Dash. I was born in 1924,

Brooklyn, New York.

Q The date, please.

A 1924.

Q October 10th?

A No. September the 10th. Excuse me. September 10, 1924.

Q How tall are you and how much do you weigh?

A Oh, about five, seven. And I weigh approximately 180 pounds.

Q And how much did you weigh when you stopped working?

A I don't know now. It's about the same thing.

Q All right. Are you married, sir?

A Yes.

Q Any children?

A Yes.

Q I think you indicated earlier something in Dr. Moore's report. Do you live with your wife?

A No, I do not.

Q Do you live alone?

A No, I do not.

Q With whom do you live?

A I live with the new companion.

Q Do you have any children under 18?

A Yes, I do.

Q How many, sir?

A Three.



Q Are they living with you?

A Two. One is staying with the wife.

Q I've asked you these specific questions, Mr. Dash, I think somewhere in the file indicated you were separated. Is one of these children by the woman you're living with? The specific reason I'm asking you, sir, because if I find you're entitled to benefits, you know, your children?

A The woman that I'm living with.

Q O.K. And one lives with your wife?

A Yes. The other children are grown.

Q Are they over 18?

A Yes.

Q How many children do you have in all, sir?

A In all I have--four and two is six.

Q All right. May I have your present address?

A 959 Kent--K-E-N-T Avenue, Brooklyn, New York 11205.

Q Now, do you support the child that's living with your wife?

A I try to do my best--living with my wife? Yes.

Q And how much do you contribute to their support?

A I contribute to that child's support \$172 a month and I pay their mortgage. I don't send it directly to her because--

Q You mean support by--you make the support payment via paying the mortgage. Is that it?

A That's right. I put it in her name and in the child's name, in the mortgagee.

Q How did you get here today?

A I took a taxicab.

Q Do you have a car?

A Yes. I drive on weekends.

Q What kind of a car do you have?

A '69 Pontiac.

Q How often do you drive it?

A Lately, I haven't been driving anything.

Q How many miles did you drive last year?

A Even exact--the car is a '69. I've got 47,000 miles on it.

Q Did you have your license renewed recently?

A Yes.

Q When?

A Last year.

Q And how many miles did you drive last year?

A Normal--you figure a thousand miles a month--I mean--you take that and divide it up--you figure a thousand miles a month, something like 12,000 miles.

Q 12,000 miles.

A But the total mileage on the car is 27,000, so you divide it up, it's less than that.



Q Ever take busses?

A No.

Q How about subways?

A No.

Q If you have to go anywhere then you drive your car?

A Usually I drive the car or take a cab, that depends.

Q Why don't you take the busses or trains?

A Well, number one, I was a bus driver for 10 years and I got to the place where I couldn't take that anymore, that pressure.

Q So why do you drive any?

A Well, I ain't nervous, not for driving, but the people. It's too close up. It's too crowded for me. I haven't had any occasion, since I left the job. The subways they're out for me.

Q Why are the subways out?

A Number one--when I'm in the subway station--now that train roars through that subway station, it seems like it's going to suck me in or I'm going to fall in, so I'm always afraid and I hug the wall. That's the way I feel in the subway. And not getting on the train, and it's getting off and getting on and standing in the station.

Q That's a problem to you?

A Yes. That's why I never took the test for motorman.

Q Where did you go to school?

A I just went to elementary school.

Q I want your whole school background.

A I went to elementary school. I started off in P.S. 129 and P.S. 129 to P.S. 25.

Q You went through grade school.

A I went to elementary school, grade school.

Q Right, and then--

A I went to high school--I quit in high school.

Q Where did you go to high school?

A I went to Haaren High School.

Q Haaren High. For how long?

A I went for one semester--I mean one term. I was 15 years old.

Q Then did you go back to high school?

A No, I didn't. I didn't take that road no more.

Q Do you have any college training?

A Yes.

Q Did you get your equivalency diploma?

A Yes.

Q And where did you go to college?

A I did six months at N.Y.U. There was too much pressure on the side, so I had to give it up for awhile there then I went back to Brooklyn College. I majored in pre-science and administration.



Q And how long did you do that?

A For about two years and then I did a semester at John Jay College of Criminal Justice.

Q When did you finish up there, in 19--what--do you remember?

A Well, I--that would be relative background for a particular job I was doing in the fire department. I was a fire marshal. Unfortunately, there was a row and I was removed from that job and then the desire for the school discontinued.

Q Yes. Would you be kind enough, sir, to trace your--and now that was the end of your formal education at the John Jay College. Would you be kind enough to trace your work background for 20 years?

A As far as I started working, O.K.?

Q Right.

A I started working after school in a grocery store.

Q All right.

A On the weekends I used to shine shoes. I went from shining shoes, as I got older, I got a job on the Pennsylvania Railroad as a Coach Lunch Boy in the Penn Station. At that time I was about 16 years old with the major. From there I went into Service.

Q What did you do in the Service?

A In the Service they gave me the typical usual job they give most black people. They put me in a--which I resented for awhile. They put me into non-combatant unit. They put me into a segregated unit and they put me into a damn cook's job. Excuse my french.

Q O.K. You were a cook. Go on.

A From the time I was in there till the time I got out, I was a cook, I was a first sergeant, I was a supply sergeant. I was become a sergeant, doing all these types of chores that they counted on me to do.

Q O.K. You were a cook, you were a supply sergeant.

A A cook, a sergeant.

Q O.K. When you were a supply sergeant I assume you were in charge of supplies, giving out supplies and stuff?

A We would have to requisition the supplies and all equipment and when I was in the mess hall, I was a mess sergeant. I wasn't really a cook. I was a mess sergeant. I went in there as a mess sergeant. I was a mess sergeant.

Q So, in other words, your jobs were sort of a supervisory nature?

A Yes. I've never been an underdog. I was above that. I didn't want to do nothing where I had to



be on the bottom. I started from the bottom for a few years and I wasn't going backwards, baby. Most people can't say that. I never was out of a job. Prior to going into the railroad--in between, I worked for Horn & Hardart as a boiler room dishwasher at 20¢ an hour.

Q All right. Most of the types of jobs you held in the Service required use of your mental abilities and supervisory abilities, things like that.

A Yes.

Q O.K.

A I was recommended for Officer's Candidate School but they had a co-racial quota so I couldn't get to go on my supervisory leave. The capacity I imagine was foisted upon me because I was only 18 years old and they thought that because I was a New Yorker. I didn't have an accent from the South.

Q Now, what kind of work did you do when you got out of the Service?

A When I got out of the Service, immediately thereafter I came out, since I was married and had one child, I immediately went on the 52-20--all the G.I's did. I went back to the railroad two weeks out of the Service. I couldn't get my mind------(unintelligible) by the mess. And I didn't want to be known as the Post

, mess boy no more because now I was a married man an ex-Service man, so I went upstairs and got a job in the baggage department.

Q All right.

A I stayed with the baggage department, and-- this was back in--

Q Were you a baggage handler or were you in a supervisory position?

A Baggage.

Q Did you pick up the baggage when the people left it there?

A No. Baggage handler, when I first came there, naturally, I didn't have too much to do, so I was pulling sacks and bags of mail out of these freight cars.

Q Yes.

A And then as I gained seniority, I was in a position to bid on other jobs.

Q Yes.

A But they didn't have any blacks in a supervisory capacity, so therefore that was out.

Q What did you do at that time?

A I pulled sacks of mail. Handled baggage inside the baggage cars.



Q How long did you do that?

A I did that from that period until 1948.

Q You got out of the Service in 1945?

A Yes, dear. Well, you see, the railroad was continuous from '39 till '48. The break was just for the Service time. My actual employment was the Pennsylvania Railroad--the railroad time was from '39 to '48.

Q Are you getting railroad retirement now?

A I'm not getting anything. Railroad retirement ain't giving me my money back. The only retirement is from Social Security.

Q All right. So you did that in '48. Then what did you do in '48?

A In '48 I took several exams for the City and of course, I was always with the Government and the fire department at that time announced the job as 5 foot, 6½ and I thought I was only 5 foot, 6, so I went out and took the bus driver's job. New York City Transit Authority.

Q You took the job as a bus driver?

A New York City Transit Authority.

Q You said you did that for 10 years?

A From 1948 until '57. '57, '58, '59--'57, right.

Q All right. And what did you do after that?

A During the time I was driving the bus, I was going to college.

Q Right. You were going to school. O.K.

A I was going to school in the evenings and working in a bar on week ends, Saturday and Sunday, and selling cars. I needed it. And it was too much. I got sick in '57.

Q So you have experience as a car salesman as well?

A Yes, I have that.

Q And tending bar?

A Yes, I had that, too.

Q O.K. 1957.

A '57, I had a car accident and my daughter was in the car and I had a--we had a car accident and she lost the top of her ear. She was thrown against me--and when I woke up I was underneath another parked car. And I saw my daughter under the driver's wheel and I assumed that the steering wheel hit her. The shift lever had penetrated through her skull. But it was not, it was through her hair--so that's why I got shook up, and--I'll be with you in a minute--and I got her out of the car and the cops came along and took her to St. Catherine's Hospital.



Q Yes. Were you admitted to St. Catherine's Hospital?

A Yes.

Q How long were you there?

A Well, I only stayed there two weeks because the Transit Authority wanted me back on the job.

Q Yes.

A My daughter stayed there for a longer period of time. At that time, they said that I had--

Q What did they do for you?

A Hairline fractured both--

Q Hairline fracture?

A Hairline fracture of the right ribs.

Q Yes. When did you go back to work?

A Well--the doctor said I could go back to work right then and there, so--

Q You want back to work?

A I went back to work on only 12 days sick leave. And my sick leave time was running out, so, they said as far as they were concerned as doctors, that I was able to go back to work.

Q Yes.

A So I went back to work--but in driving the bus-- a heavy bus--it seems to me that the ribs caging and the hairline crack was cutting into my liver.

Q Yes.

A And because every time I got--that would happen, the whole arm there would go numb and I'd lose control of the wheel. I even had an accident. I tried to explain that to them at that time but they couldn't find no fracture. They said I didn't have no fracture. I didn't have this and I didn't have that, so I started having problems.

Q What kind of problems?

A Well, I started having problems to the extent that I started to get jittery, I started to get upset. I found myself more unable to cope and do things. I became more aware more constantly of my condition. I went to the VA behind that. Now I started back knowledge of the VA because of this reaction--anxieties, whatever you want to call it and I wind up going into the hospital. And when I got sick this time, I started to throwing up and relieving myself every five minutes and I couldn't stop.

Q Where did you go to the hospital, to the VA?

A Yes.

Q How long were you there?

A I stayed there--they kept me there for two weeks and I was treated intravenously or whatever they gave me and I was beginning to feel beautiful in two weeks, but



before I could really enjoy it, they let me out.

Q Yes. And did you go back to work?

A I went back to work then I was took off again, sick. And I went before--I went back to Dr. Krinsky because I wasn't feeling well, I wasn't feeling right. And he said to me that, "take these pills." He give me some antibiotics--slight cold, whatever the case may be. I still wasn't feeling right.

Q Yes.

A So, I went back to the VA again. The advice of another doctor, would give me a little more satisfaction, one way or the other and he said I had pneumonia and he didn't let me leave out of the VA office on Ryerson Street and I went right from Ryerson Street to Fort Hamilton because 20 30th Street was filled up and when I got in Fort Hamilton, they said I had pneumonia. (Excuse me.)

Q So you went in there for pneumonia?

A Right. While I was in there for pneumonia, they first called my attention of what--to my attention, anyway, that I also had an enlarged liver.

Q Yes.

A So that didn't sit too well with me, as far as I was concerned and then the doctor that was--a very good doctor. He was quite inquisitive--curious how I

got the pneumonia and there were only a certain amount of drugs that could cure pneumonia and the ones we have don't cure you, you just have to die, and that you have an enlarged liver and we don't know what causes that. Maybe it's from the tranquilizers that the VA was giving me. They gave me these Equanil tranquilizers and I was taking them four times a day and between that and the accident--

Q They gave you Equanil in 1958, sir?

A That's right, dear. I had to get Equanil from the VA. Equanil. That's right, in '57--that was '58--no '57. Not '58, '57. They gave me Equanil.

Q '57? Are you still taking Equanil?

A No. I haven't been taking Equanil since--I never had that happen--that the Equanil threw me into a tailspin. I could not get myself together. So behind leaving the hospital and wound up going to Mount McGregor.

Q How long were you in the hospital?

A I was in there for the pneumonia and liver condition and they gave me a biopsy, it must have been about--

Q Did you have a biopsy in '58?

A '57.

Q How much did you drink at the time?

A I never was a heavy drinker, dear. I may drink a beer a couple of occasions a beer, but when they keep on talking about drinking.



Q Do you drink any Scotch, sir?

A No, dear. I don't know what you're trying to lead up to. I don't drink any Scotch. I have drank it.

Q In 1957, how much were you drinking? you were a bartender.

A Well, you know, it's a funny thing. I was a bartender. I didn't drink but I couldn't take care of business. I only worked as a bartender on Saturday and Sunday nights. I didn't do any drinking. I had to be working the next day, so the drinking wasn't a problem. I drank less then. I didn't even drink until--that is, until I got a bartender job and those are usually after hours, not at the time when I was working.

Q How many drinks a day would you say you had then?

A At that time? I couldn't say. A couple of shots. A shot a day. A couple of shots. Spread over a week, it would be maybe, one a day.

Q All right. So then you went to the rest home.

A Veteran's--Mount McGregor--right.

Q Now, did there come a time when you went back to work?

A Well, what took place was that I had taken an examination prior to that for the New York City Fire Department.

Q Yes.

A And I made high enough score. I took several--housing, police, I made a pretty good score. I came up 14th out of 2,000 on the list. I came up 20 out of 6,000, so I knew that I had to get myself together and pass the physical. I still didn't give up. So, when they gave me the rest--and they took that away from me, so I went up there and stayed a couple of months and I applied for Veteran's assistance because all my sick time in Transit ran out. So I went in to see if they gave me, and they didn't want to give me. They gave me aid to dependent children.

Q Mr. Dash, you're getting me a little confused. I asked you when you went back to work.

A Well, I thought I'd give you the background.

Q Yes.

A Oh, oh. The point you're at now, is when I was in the hospital. Right?

Q Right.

A But while I was at Mount McGregor, I had to get financial assistance for my family or I wasn't going to go anywhere. So I'm trying to relate to you that during that course of time, I applied for welfare. They refused me because I was working. They wanted me to take my pension out and I got aid to dependent children. Then I went up to Mount McGregor.



Q O.K. This was in '57?

A Right.

Q And at Mount McGregor, how long were you there?

A I stayed in Mount McGregor up until April or May of '58.

Q Till April '58. To get back to my question. Was there a time when you went back to work and you said you took the fire examination.

A When I came down, they had already called me.

Q Right, O.K. Now, when did you start with the Fire Department?

A June of 1958.

Q O.K. Now, what did you do in the Fire Department. What position did you have?

A I was a fire fighter.

Q Fire fighter. And you worked around the clock shifts, I suppose? And how long did you do that?

A I stayed a fire fighter for four or five years.

Q Yes.

A Then I moved into fire inspector position under fire prevention.

Q And is that the job that entails going around daily on a truck and inspecting buildings?

A No, that isn't the job that I was doing. The job entails the man that you see in uniform with the

briefcase. That's the job I was doing. But I took that job for another job which put me in line for fire marshal.

Q Now, you were a fire inspector--this was a promotion from fire fighter?

A No. It wasn't a promotion. It's a different position within the job. There's no promotion or examination.

Q O.K., fine. How long were you a fire inspector?

A I stayed a fire inspector, I think it was about three years.

Q Now, this would bring us to sometime in the 60's, right?

A Right.

Q O.K. Then, what did you do?

A In '63 or '66, I became a fire marshal. That's like the detective division of the police department; that's in the fire department. I was feeling good. I wasn't chief but I wanted to be chief. My educational background was related somewhat to that. It made me feel comfortable.

Q Now, exactly what did you do as a fire marshal? You see, I don't know exactly what's involved in this job.

A A fire marshal's job is to go out and investigate, inspect. If need be, make arrests, on the assumption that



there was an arson committed.

Q Yes.

A And you were usually alerted by a chief homicidal fire, indicating that a fire was of a suspicious nature.

Q I'm sure it involved a lot of discussion on your part.

A Yes, it did involve that. All of these jobs that I went in for had to be meaningful.

Q Would you classify it as a highly responsible job?

A It was that.

Q Would you like to take a break while we flip over the tape?

A Sure. I'd like to take a break. I'd like to go somewhere and get a pack of cigarettes.

Q Mr. Dash, you indicated that you were a fire marshal in '66. And how long were fire marshal?

A I was fire marshal to my dissatisfaction for a very short period.

Q For a month, year, half year?

A A couple of months.

Q And then what did you do?

A And then I went back to the company.

Q And you returned to the fire company as fireman?

A Right.

Q Is it because you couldn't do the work there?

A No. It wasn't because of that, it was because of racial issues and the particular men involved. You see, when you start getting up into jobs where there's, like you say, responsibilities on a job of many categories, then you start to realize that you, yourself, per se, it does make a difference in the relationship that you would like to feel the closeness, so forth, and et cetera, it begins to dwindle. It doesn't exist any more.

Q You're trying to characterize it as personality differences?

A No. Personality differences is a charade. These things exist just because of you being what you are, except personality. Then, of course, there's--I mean--personality conflicts among people.

Q Well then, would you say that it was a personality conflict because of racial issue? I just want to make it--

A --mine were not a personality--like you do racial conflicts.

Q These were racial conflicts. That was why you left that job.

A Yes.

Q And you returned to fire fighting. Well, how long were you at the fire fighter's job?



A Well, I was staying at the firehouse which was again against my grain.

Q Yes.

A And I was in Queens, on 90--84th Street and 91st Avenue, and that house was comparatively dead, as far as being active.

Q I don't quite understand that.

A In other words, in certain areas--in certain high areas, like in Bedford Stuyvesant or certain ghetto areas, you have more activity.

Q I see.

A And there it was very slow--single company, and the work became very dull and boring, and I again, ran into problems.

Q Yes.

A And the problems weren't with the firemen that I worked with, although they expressed their biases and prejudices and so forth, I was able to cope with that because I could respond to them, I'm just as good as you men, but I felt Xproud, being able to discuss these things openly. However, we had an officer--two officers that expressed their viewpoint on these matters that I felt were quite un-American, to the extent that the captain offered to fight me physically and when he offered to fight me physically,

I thought twice. The simple reason is that I felt that I'm in a position as the underdog, and he's the officer, and to my training and my background, I didn't get involved with any physical violence. So, naturally I had to hold this within myself.

Q Yes.

A And this, in itself, it just got me upset again and I left the fire house.

Q What do you mean, when you got upset?

A Well, I got upset. I got upset with him because I'm going through these same changes again.

Q What kind of upsets?

A Well, you know, when you don't care no more. You get palpitations, you get sweatiness, you get--just concerned--shortness of breath, and you really lose interest in what you're doing and--and--I don't know, you just lose everything. And then unfortunately, I happened to break a thumb. Some guys tried to mug me when they--I broke my hand over somebody's head.

Q And when was this?

A That was in October of 1970.

Q Would you say you got upset primarily because of the situation in the fire house?

A Well, no I think--

Q --a job which you had done for quite a few years?



A Well, those things in itself, couldn't upset me, as long as I was--I felt that I was beneficial cause

Q Yes.

A Or whatever achievement that I was doing. And that it was meaningful and appreciated. But what upset me, was during that time, you know, they had this black power--white power business and all this other political issues--locally, nationally. These things, plus the job and these things were inclined to get to me too much. I mean, people were beginning to stray apart instead of getting closer together. Everybody was going to the extreme but I'm fighting for in mind and my feelings, was like integration or amalgamation. Everybody seemed to be wanting to go into separation and that was on my mind. So, after I broke my thumb, I had to have open reduction and surgery and when I went into the hospital--in Queensboro--somewhere in Queens--I went into LaGuardia Hospital.

Q Yes.

A And then, from then on, I never went back to work.

Q Why?

A Well, I was on sick leave and the open reduction operation--stayed under gas for a good while--in fact I stayed in the hospital a pretty good while before that and in going back to the fire department, before coming back to

full duty, they put me on light duty.

Q But you did come back to the fire department?

A Right--but on light duty. During this course of time, they sent me to various details and assignments.

Q Yes.

A And one of the assignments was messenger--driving one of these red cars around.

Q Yes.

A Because of my hand--to give it a chance to heal. That was in a sense, some form of compensation for me to continue to work.

Q That's right. It's part of the job--because of your thumb.

A And then, one night, they sent me to a new area, to make the mail because and so forth--that I was not familiar with. And then in this particular headquarters, there was a white kid--that is, a buff in the fire house. He's a buff--you know, the kids hang around. And he had, on previous occasions--in fact he used to ride on the truck--on the truck which is the ladder going on the engine along with the firemen. So, by me being new, he offered to assist me, to show me the route.

Q Yes.

A And he had been doing this with other men who were assigned temporarily for messenger duty. So while



I'm out on the route one night, I get a call on one of the stocks--one of the fire houses, that the chief wanted to speak to me. So I picked up the phone and I called the chief and he asked me do I have this kid riding with me. So I said to him, yes, why? He said well don't continue to have him riding with you any further in your route. Leave him where he's at and then you continue with your route. My reply to him was, chief, I know, chief, why should I leave him at this spot here? We are a long way from our original starting point. He's not supposed to be riding in the car. He rides on the truck, he rides on the engine. Now, why don't you want him riding in the car with me? He's been doing this before and to a man who comes on the route, temporarily and not familiar with the route, but the kid knows it by the back of his hand. He says, you're going to leave that kid where he's at, and I says, I am not. I says, I tell you what. I'm going to bring the kid and the mail bags back to you. You tell the kid that he can't ride with me, not me tell him.

Q You had a dispute with the chief in that?

A Well--in that--because this is the way you was taken in his confidence. It wasn't just an ordinary dispute.

The dispute, as far as I'm concerned, that upset me was because now he was white, he was riding in the car with me and as far as he was concerned, he didn't want the kid in the car with me. Not a kid--but a kid about 16, 17 or 18 years old--but nice--maybe they are a little retarded these kids are, but they like to hang around. So, I couldn't find anything wrong with them. He was riding with me, he was riding on the truck every day. He was riding on the apparatus and he responds to fires. He helped the men to stretch the hoses, so long as it wasn't in the building. Not so as they'd go in the building. I says you go and tell him. I'm not going to tell him. I'm not going to go another foot. Right here is where I stop. And I told him off, where it was at, and I told him he could call the medical officer and do anything he wants to do. I was still upset with this guy and my heart was palpitating and I was shaking and I says, now, you know that I'm not playing. I says, here's a kid that rides the truck, rides the engine. He helps other fellows who are new and on just temporary assignment. You tell me why you don't want him to ride with me because you told me over the phone. I says, how can he get hurt just riding in a plain car. He says, well, there are other reasons. I said, well, you tell me what those f---and other reasons are--why you don't want him riding



with me. And from there on, that was it. I had it. I went to the medical office and when I went before the medical doctor, I told him the same thing that I'm telling you and a whole lot of other things that was wrong in that department. So, he's telling me about--so what, they got a black commissioner--I said, don't tell me about they got a black commissioner because that doesn't mean anything to me. That doesn't make him right--nobody being black. If you said to me that we don't discriminate or we don't have racial problems on this job, that's different, but don't point to him being a commissioner because, as far as I'm concerned, he's a window dressing, he's a figurehead. No use telling me about that. I'm talking about throughout the job, the equality instead, is not seen, shown, or even.

Q All right. So you discussed the racial prejudice.

A Right. So what he did. Dr. Battaglia. So what he did right away, was call the commissioner.

Q Yes.

A And the commissioner maintained I ought to take leave. No work assignment.

Q Did you have any physical complaints, when you went to the doctor?

A I didn't go to the doctor. They sent me to the doctor--when I had my accident to this jeep--they sent me to the doctor.

Q Well, did you complain of shortness of breath?

A Well, I didn't have to, but I had an emotional reaction--so they said send this guy back to the medical office. In other words, when you're on temporary duty, you have to go back to the medical office, every so often, to see if you are eligible to go back to work or stay on any assignments of light duty.

Q Well, when you went to see Dr. Battaglia, did you have any physical complaints?

A No. These were all anxiety and nerve reaction complaints.

Q What was the nature of these reaction complaints?

A Well, the anxiety reaction to me, according to what the medical people claim, is nerve reaction, so I relate it that they use the same term that they use.

Q All right. So you had--you say you had shortness of breath?

A Shortness of breath, palpitation and my legs were twitching, jumping and I couldn't hold them down and I was just at a dead end, just that upset.

Q Do you think that it could have been from the anger?



A It could have been from that--whatever caused it, it was caused from the time of the argument, at the time that I was upset.

Q Did you make any of these complaints to Dr. Battaglia?

A Yes, I did. I'd been doing that because at the time I told him just how I felt about the whole thing, so he called the commissioner--and I told him just what I told him. He told the commissioner, too.

Q Other than these physical complaints, what did you have to say as the result of the angry arguments, did you have any when you were riding in the car? Anything like that, when you were driving the red car?

A No, no. No, we were getting along beautiful. There was nothing.

Q Did you have any physical symptoms when you were doing that job?

A I didn't have any physical symptoms, no.

Q O.K., fine. All right. Now, this was like when? October, '70, or a little bit later than that?

A Well, a little later--a little later than that.

Q Do you remember when?

A Well, it had to be during Christmas or after Christmas--even January of '71. Sometime in there.

Q Hold on. Wait a minute. I'm looking--and I notice that we do have a report from the medical group, Mr. Dash.

A Which one is that, Judge?

Q Dr. Going. Dr. Going?

A Yes.

Q O.K. The last note is 10/21/71.

A Yes. That was way back. He never saw me.

Q All right. How many times have you gone back to them?

A Well, let me put it this way.

Q I just want to up date it. But if they don't have any records on you--

A --oh, yes. They have records. He didn't have any record then because what happened was, when I first came to apply for the disability Social Security benefits, I was with the Roche (untelligible) Medical Group.

Q Right.

A And I left that Group.

Q I have that.

A And I went to the Williamsburg Medical Group.

Now, if you don't have the report there from Dr. Fleischer--my record.

Q Well, you see what happened in these clinical groups, sir, is maybe you see one doctor, but another



doctor writes the report.

A Yes, it's on the record but the doctor is not going to put his hands to somebody else's diagnosis and findings until he's able to see you himself. During that course of time I never saw Dr. Going, I was only assigned to Dr. Going.

Q All right. So, you have seen the doctor since, at the clinic. All right. I get an up date. I just wanted to let you know, this reads from 10/21/71 on. And you said you're still sick. All right. So, this was in January '71. Now, when did you finally retire, sir?

A Well, they maintained me on sick leave--

Q Sick leave until when?

A Till October of--September 2, in 1971. As of that date, they retired me, after sending me before their doctor--who I assumed recommended my retirement, on the request of the commissioner. I did not request retirement.

Q You didn't request retirement?

A No. I did not.

Q Now, from the period, January '71, to September '71, how were you feeling? Were you all right? I mean, were you able to function?

A No. I was in a state of confusion.

Q But other than that? I can understand this--

A --I was still unable to function like a man is supposed to because I couldn't get myself together to handle my business administrative leave, financially or otherwise. I was binding myself with a loss of memory for recent occurrences or things that had to be remembered that just happened. A man walked over and gave you on the bar, say five dollars and the week would go by and gave somebody five, the guy was so mad, he gave me five dollars, don't you remember? I'd say it's O.K., thanks. Understand something like that.

Q Right.

A And when I think that because my wife and I were separated and I wasn't getting along too well with her.

Q Is this the--

A --first wife. The first wife.

Q You were with your first wife again, at that time?

A No, no, no, no, no. I said we were having our bickerings, one way or the other and I thought by getting involved with this other party that maybe some of this can be resolved. Sometimes everybody needs a crutch of some kind. That's why I guess they are on drugs, add alcohol. Whatever the case may be.



Q Yes.

A So, in taking up with this girl, I was then involved and I had a child that at least gave me the motive and dignity to energize me to want to be aggressive again. I seemed to have lost all that. All my aggressiveness, I have no love, no feelings, and no anything. All I have is compassion. If I meet someone where I can develop compassion then it seems to move me in a different manner. But right now, I have, honest and truly, I don't know which is right. I have nothing and nobody. I mean, that I should have that's close to me. Wife, kids, girl friend, maybe. I care for her. I can do what I can for her. But I just can't get that emotional thing started again. But now, if the child is say--if the child was sick, or if the child was say, crippled, I see people in the street and not even related to me and I can develop compassion and I can feel sorry for them, but I haven't been able to do that. And this is bad, as far as I'm concerned. I can't feel like I want to feel.

Q Well, maybe the girl you're living with now--

A --well, at first I did but we're not making it, now.

Q You're taking medication now?

A I'd take it but he's cut out all the other medication that you have listed there.

Q What do you take now, sir?

A They found out that that was injuring me, too. So now, when I take--whatever they give me I take half of it or a third of it. They give me what is known now as Elavil, five milligrams. I have some in my pocket and I take a half of one, whenever I need it and that's it. And I've been told and maybe you people think other things, that liver conditions--people who take tranquilizers have more liver damage than some people who drink and then, drinking is not the prime factor for liver damage. Emotional problems, nerve reactions, anxieties can also cause liver damage, yet the American society says no. In most of your foreign doctors in foreign countries, they will relate to this. They have jokes about your yellow liver and they have jokes about shaking up your liver and people who are only laymen seem to know this. Yet the medical profession don't want to allude to the fact that emotional problems, coffee, plus smoking can affect your liver. All they know is that if you drink, you get liver problems and that the problems come from other things.



Q That's true, sir.

A And tranquilizers is one of the realest uses of factors right today, besides what they already know, for liver enlargement. So, I don't know.

Q So, what you take is Elavil, a half a tablet. How often, do you think you need it?

A Well, I'll tell you. Well, I'll tell you what I've been doing lately. I've been going through changes and I find that beer relieves me. A little more relaxing and a little more better for me, than a tranquilizer. So, if I grab me two or three nips a day, sitting on by the TV.

Q Yes.

A Turning all the channels--all over into the broadcast channels, like on channel four--read the news, read the Times, read the Post. Turn on Bob Grant. Call him up. Write letters to Congressmen. And I devote myself to all community affairs and all these organizations. And this is what I'm going to continue to do without pay.

Q Yes.

A I've gone over and volunteered for the Red Cross but it involves hospital work and I don't want to be around anybody that's sick. I become too compassionate about that.

Q Do you get involved in community affairs?

A Oh, yes. That's all I do. I don't intend to do anything else other than that either. I paid my dues.

Q You don't intend to go to work ever again?

A Not until I--I get that feeling within myself. When I get that feeling within myself. I'm going to have to shock you now. I'm giving you my history. I've worked all my life, but I am not going back to be what I tried to better myself in being a dishwasher, a porter or a shoe shine boy and I was a broadcaster on a radio station and I lost my voice. You sure wouldn't expect me to go back and be a shoeshine boy.

Q No. I simply asked you--

A --No. I'm using this as an example and therefore I am not going to go and do any type of work that I feel emotionally is beneath me. I know it's a thing that makes me feel satisfactory to a degree now I feel myself in a sense, getting back into the realm, is dealing with the immediate problems of fitting into the organizations.

Q You don't think you could get involved in this type of work in a paying situation?

A They would not accept me because of my medical history and--my medical history. They are not going to accept me.

Q Do you think you could be capable of performing a--



A --I don't want to work for a salary--I don't want to work for a salary. Number one--what work I'd like to do--I'd rather not do it for a salary because all these salaried people are phonies. I don't care what part of the program you've had out here, it's forms of corruption. It's not coming from the man's heart. I don't want to do that. I want to do it because it's in me. I get a skill and verification to be able to help somebody. I'll take any young fellow, direct him to jobs, direct him to the police department--that's all I want to do.

Q Do you think you should be subsidized by the Social Security disability benefits, so that you can do this community work?

A That is different. Then I'm not doing it for money. I'm doing it because I want to. I just need a subsidy to maintain a moderate way of life. That's it.

Q Do you think that disability payments to entitle you, would be the proper method of approaching this?

A I don't know what method, at this time, what is appropriate.

Q You realize, of course, you have the intelligence, Mr. Dash, to understand, I'm much impressed with your manner, your demeanor and your understanding here. What

I'm trying to ascertain, sir, is that this is a disability program. You're saying you want to get involved in community activity.

A I am. That's what I want to get into.

Q That's very commendable. Only you wouldn't consider doing this type of work for a salary?

A Not for a salary. No, I wouldn't. I would not take that work for a salary and if I did, I'd have to get involved with the wrong people. I've already tried it and I don't want to be involved with these. I don't want to get involved with nothing in this. It'll give me \$25 a month. I went to the Board meeting and all they were concerned about was the \$25 a month they were getting.

Q But you're capable of functioning in this type work if you don't get a salary?

A No. I didn't say that. I'm capable of functioning, where I am impressed by the integrity of the organization that is meaningful. They have to show me that they're meaningful and they're really trying to do the job. I'm--I'm up to here--with phoney politicians and phoney people using money as a basis for everything. I don't even care about money, to tell you the truth. The only thing that I'm concerned about



is because the money is able to pay my rent and eat a little meat. You could give me a million dollars, that's not going to move me to do something wrong. If that was the case, if I wanted to hustle, I'd get on a job and get myself involved with selling drugs for whatever I'd make. I didn't want that. That means nothing to me. If I can be in a position to exert and expound what I'd do, what is extemporaneous or otherwise on radio programs, writing letters, I'd feel good. I've done my part. Now, I gave you the ball, you carry it. That's your job. You're in a political office. You're in a position to do that. They don't do it, these fellows. They don't do what I want to do and that's it. They call them letter writers. They call them foremen. I'd call up the police department, the justice department, anything that's illegal.

Q O.K. Is it that you wouldn't or you couldn't do a public service job?

A I don't think the public service type of people would want me. They're not looking for guys that's sincere. That's not common today. This is like--this guy is a nut, a psycho, because you're for real. Like, can I be a phoney to myself and not to people. And you warn these people that you're doing this type of work and you really are earnest, putting all your heart and soul. That's what this

fire marshal. I went out, these people were at work and I couldn't get to their house because they reflect the poor people. So I got me a tape recorder--a recordaphone. If I wasn't, I left a message with them to call me when I got home so I could make an investigation or what not. They didn't go for that. It was nothing intelligent. To them that was something wrong. What do you have people calling like that. I said what would happen. I get the job, you give me from 9 to 5 to do the job. You gave me chores to do from 9 to 5. So whenever you didn't get to do during the day, say you had 10 orders to go out. Ten hours to inspect. Ten buildings to inspect. So you want me to get the fire people, you're going to stay home. You've got five left over. The next day you get 10 more. That's 15. When you can't get these people, at the end of the week, you wind up with 50 cases. And then if you can't get them. You couldn't get the 10. How are you going to get the 50. So everybody is out in his pocket. The guys who win the job goofing will go the chief's office or the fire house and copy off their reports as if they made the inspection. Now, to me, I couldn't do that. That's the bottom of my grain. I can't do that. If I do the job, let the other thing go. Period. And this



is the way I feel. About anything I do, I do well. I'm not a perfectionist, but this is why this girl and I can't get along. I'm telling her things that she don't know. This is the way it's got to be done. You cannot do it--(excuse my expression) half-assy--just to say it's done, without feeling that you want to do it the best. If you can't do it well, then ask me for assistance or learn for yourself what is the proper way, not just any old kind of way. I don't like that. So, maybe this is my problem. I don't know. I was the same way in the Service. I never left the post. I never took a week end pass. I took one furlough all the time I was in the Service. I did every job they gave me. I was dedicated to doing that and finishing it to see that it was done right and if I didn't do it, it wouldn't get done right.

Q All right. Mr. Dash, during a typical day. What time do you get up in the morning?

A Right now--I'm telling the truth--right now, I'm lazy. I don't get up at all. I do most of my work in the evening and did some reading some at night.

Q What time do you get up?

A This morning, I was up earlier than I have been in a good while. I used to get up about 11, 12 to 1 o'clock. Then I'd take an afternoon nap. I'd take a pill, and I

usually relax from 3 until 6 and I wake up for the evening. Then I have dinner. I get the paper--I get the Post.

Q Yes.

A At 9 o'clock, I go out and get the News.

Q All right.

A I read that. At 11 o'clock I get the news again--then I watch a few TV programs. Smoke a few cigarettes.

Q Yes.

A Then perhaps, if I'm tired enough--I take another pill. I have the pill--I go to sleep. The only reason why I take the pill at night is because it makes me like--

Q All right. Ever visit friends or anything. Do you ever go out of the house?

A No.

Q You stay in every day?

A I don't have--I'm in a sense a loner. As far as men friends are concerned. And as far as women also are concerned. If I take up with some woman, that's it. But I do visit the bar at the corner because sometimes a man being gregarious sometimes not to drink--just likes to be around with other fellows talking around you and that's the end of it. I don't go to their house, they don't go up to my house.



I don't want no more and I don't care for company. I just rather be in relaxing and when I get ready to go socialize, I may go--which is very seldom--I haven't even been to the movies lately. That's because if I know what it is, it's got to be something that's worth it. I haven't been to a movies and movies is my thing. I haven't been doing much and I've got TV. I haven't even been to a dance. I've been to a dinner, once last week with some friends of mine--my wife--not my wife, but you know--I have no wife. Invited by a Spanish couple. And it's in a community job, you get over there. Other than that, I haven't seen any human beings. Other than arguing with Bob Grant or Fairchild.

Q When did you begin your community activities?

A Well--PACK is using me once a month. Corporation--Community Corporation, once a month. Bedford Stuyvesant Businessmen's Association is once a month. Different times during the month.

Q It gives you at least five or six times a month?

A Yes--then I have the police address--88th precinct. To protect them. Committee--neighborhood committee. And then they've got the 77th precinct neighborhood committee. And now, I try to occupy myself doing that, plus the house that I live in. I own that so I've got to maintain that, too.

Q Is that a one or two-family house?

A That's a three-family house.

Q What floor do you live on?

A I live in the basement.

Q Are the other three floors rented?

A The other two floors--a three-family house. I live in an apartment basement, but I don't like the parlor floor because I don't like the cat to go on upstairs. They may happen to have company in there. But most of my activities in living is on the basement floor.

Q You rent the third floor--second and third floors?

A Second and third floors, yes.

Q What's the rentals?

A Second floor rentals is \$130 and top floor rentals is \$96. That doesn't even cover the mortgage.

Q I was about to ask you. What are your house expenses? What are your mortgage payments, etc.

A Mortgage payments for that house is \$173.48

Q How about taxes? What do they run to yearly?

A Well, that's all included in the mortgage payments.

Q All right. You're retired, are you not, sir?

A Yes. September 2, 1971.

Q Right. What is the amount of your retirement pension?



A My retirement pension is \$477.

Q Per month?

A Yes.

Q Do you have any other Veteran's benefits or anything like that?

A Yes. I have Veterans' benefits, too.

Q How much do you get on that?

A That's \$307.

Q 307. And how long have you been getting that?

A Well, I just got that January.

Q Based on what? Do you know?

A Based on the condition that is presently existing. I was getting a smaller percentage before, but you know--th when I stopped working--I got my retirement the same disability.

Q Right. O.K. Now, how much were you getting before and how long? What percentage?

A How long?

Q Yes.

A I was getting about 10 to 30%.

Q Based on what?

A Based on the conditions that is of record.

Q As of when? When did you start getting it?

A That must have been--'57. When I first--you know--I got sick and then I had to give it up to go in

, the fire department.

Q So you didn't have the pension when you were in the fire department?

A No. I didn't have it for the first several years.

Q When did you get it again?

A I think I had it again in--let's see--in the mid-sixties.

Q You reapplied?

A I had--I was given 3% that's for your medical retirement benefit, I imagine.

Q So you had to give it up to get in the fire department. Is that it?

A That was one of the prerequisites.

Q O.K. Anything else? Any other compensation or anything?

A No.

Q How much are your household expenses? You indicated the mortgage was \$173. You've indicated you were paying off the mortgage when your first wife--

A --right. That's \$172.

Q Right. And how about utilities, etc.

A Well, the gas alone--the heat for the property is \$100 a month, and there were insurances. Insurance comes to--I don't know. Then the electric again. The



electric comes to about maybe \$30 a month. And then the nice little cost of living. Whatever it is.

Q All right. The woman you're living with doing work? Does she contribute anything?

A No.

Q Does anybody else contribute anything?

A No.

Q O.K. All right. I'm going to ask Dr. Bierman if he has any questions for you? And I'm going to, of course, allow you to make any closing statement, after Dr. Bierman's testimony. O.K.?

A Yes.

The vocational expert, ARTHUR I. BIERMAN, having been first duly sworn, testified as follows:

EXAMINATION BY ADMINISTRATIVE LAW JUDGE:

Q Will you please state your full name and address?

A Surely. Arthur I. Bierman. 391 Lakeside Avenue, in Orange, New Jersey.

Q Now, we have a resume of your qualifications and would you very briefly review them and give us some background?

A Surely.

Q As to the type of work you're engaged in?

A Surely. I have a Bachelor's degree in Education.

Master's degree in Vocational Counselling from New York University and additional five years of graduate study in New York University Vocational Rehabilitation Counselor. In addition, I've been on Faculty in three universities. I taught courses in the Graduate School, Rutgers, New York State College and Seton Hall University. Courses on Vocational Rehabilitation Counselling. Been employed from 1954 until the present in Rehabilitation in the capacity of a Counselor, a Director and presently Executive Director of the Occupational Center of Essex County. I've written several papers on placement of the handicapped and been involved in research as well. A past president of the New Jersey Rehabilitation Association and have been on the advisory council of several different projects and proposals and a professional member of the American Rehabilitation Counselling Association, and many, many others.

Q All right. Now, have you had any communication with this claimant concerning his application in this proceeding?

A No, I have not.

Q Have you and I had any contact, prior to this moment, in regard to this matter, other than the request for you to appear today which Miss Wilder sent to you several weeks ago?



A I have had no contact with any person whatsoever, concerning this matter.

Q All right. Are you under contract with the Social Security Administration of being paid thereunder to appear as a vocational expert in this proceeding?

A Yes, I am.

Q Now, it's your understanding by reason of this contract that you're under an obligation to testify in support of the Administration's earlier determination in this case?

A No. It is not. And I am not under no obligation in any way to any party whatsoever.

Q Have you reviewed all the documentary evidence in this case?

A Yes, I have.

Q And have you been present in the hearing room throughout the course of the hearing?

A Yes, I have.

Q Now, you understand, do you not, Mr. Bierman, that the Administrative Law Judge has the responsibility under the Social Security Act and the Regulations, to determine what dysfunction, if any, the claimant may have, and whether or not he is disabled?

A Yes, yes, I have. I fully understand.

Q Mr. Bierman, I'm going to ask you to testify as to what job, if any, the claimant is qualified to perform, by virtue of his age, education, past training and experience, and based upon assumptions and facts concerning the evidence, and I will also expect you to indicate where appropriate the extent to which such jobs may exist in the national economy. Is that clear, sir?

A Yes, it is.

Q All right. Now, based on your review of the documentary evidence and your analysis of his testimony today, could you briefly assess or summarize his work background and experience, and any other factors that you would consider from a vocational standpoint as being transferable skills.

A Yes, I could.

Q Would you please?

A Well, this claimant has had a very broad expanse of experience in a variety of occupational areas, ranging from manual work and grocery clerk and shoeshine boy, to coach boy and baggage handler, as well as, ranging all the way through to bus driver, bartender, car salesman, fireman, fire marshal and has had a very broad number of occupational skills, and in addition police work, as well. It is



significant, in terms of his background, the number of jobs, the range of them, as well, and the fact that they were interrupted for one reason or another, to take on a higher level position. All of these have a certain amount of transferability and relatedness to other jobs. In addition, he has a high school equivalency and he's had training at the college level in police science and administration, as well as, criminal justice work at John Jay College. Another significant aspect of his occupational background is his ability to handle the language and his level of intelligence and understanding. Now, he has been employed in all of the occupations mentioned and again, they all have related occupations. So it is fair to say that he could the job of fireman, of a guard--firefighter--(excuse me)--a fireman is something different. A firefighter, a guard, bus driver, truck driver, taxicab driver. He could do the job of a desk officer.

Q Are these the jobs he did in the past, or the jobs he could do?

A These are some he has done in the past and he could do as well.

Q O.K. Something he does. O.K. Taxicab driver--

A --taxicab driver. He could do desk work of any

nature in the fire department, police department or security work and he maintains the capacity to be a bartender or do saleswork, such as a car automobile salesman. In addition to which he has the potential with some training, to do many other kinds of work.

Q All right. Now--

A --I would like to mention one other thing. That in any occupation that this man does. That I would suggest there would have to be a level of commitment.

Q All right. Mr. Bierman, before you go further. Now, what you've mentioned are jobs that he held in the past and he has a transferable skill, as you indicated. Now, are these jobs that he can also do?

A Yes.

Q Are these jobs he can perform, on the assumption that he's 48 years old and he does have the two years of college and the limitations which he states he has, that he gets nervous?

A No. The limitations of the past medical history.

Q Right.

CLAIMANT: Whatever the medical history may be, I'm saying that when you go for a job and you're speaking about certain jobs, dear, now, these jobs that you were



speaking of, you have to go for an examination. Number one, the insurance company is involved. You're speaking about I could be a fireman or firefighter--where?

JUDGE: Mr. Dash, I'm going to let you comment on all this. I'm going to set up just some hypotheticals.

CLAIMANT: Oh, oh. I thought you were asking me now.

JUDGE: All right. Assume that the claimant is 48 years old and with the voice background he testified to and by others as you've indicated, that he gets nervous on occasion, that sometimes he has to take pills, to just sort of relax him, that it does present a problem when he works at certain jobs in view of the tensions that do arise therein. Assuming that he has the limitations of functioning as he indicated throughout his testimony. Now, with such limitations and based exclusively on his testimony, are you indicating, sir, would you indicate that he could do some of the jobs he did, prior to his--

Mr. BIERMAN: Well, based on his testimony, he would have difficulty in maintaining employment.

Q Yes.

A In any occupation. Based on that hypothesis that you state, I would not suggest any occupations.

Q Ones he had held, or any other kind. All right.

A That is correct.

Q Now, I'll give you a second hypothetical and again in addition to the basic assumptions concerning his age, his education, training and work experience, I'm going to ask you to make these assumptions. That he's not impaired in any way in the use of his body, that is, his hands, his fingers, his wrists, his neck, that he can perform all physical body functioning well. He can climb stairs, that he may possibly, going to and from work, be somewhat restricted in that he gets disturbed, if he has to be on the subway track. However, that he can drive his own car and, in fact, does so. Now, just based on those hypotheticals?

A Based on those hypotheticals I would--

Q --all work in the national economy.

A Yes. I feel he couldn't and I would suggest occupations such as a guard, a bus driver, or a truck driver, taxicab driver. A desk officer, a bartender, automobile salesman, retail sales and those occupations I feel, would meet the requirement of the hypothesis.

Q Yes. I think you indicated guard jobs?

A Yes. Protective service work.

Q Now, would these jobs exist in the metropolitan area?

A Yes. They all exist in substantial numbers and



my familiarity with the labor market as such, through the classified advertisements and the labor market news letter in the employment service, as well as the Manpower Annual Report of the City of New York, indicates these occupations in very substantial numbers, in the tens of thousands.

Q You said manpower training reports markets?

A The annual Manpower planning report for fiscal year '72, New York City of the New York State Department of Labor.

Q Any other sources?

A Yes, the classified advertisements. The newspapers and the reports of the--monthly reports of the New York State Employment Service. And I rather regularly read these.

Q Mr. Bierman what you've done is taken into consideration the occupation with significant characteristics for work requirement that of the jobs that Mr. Dash has had prior experience in and have taken the particular characteristics, the jobs not diminished by his impairment and transferred them over to various other occupations. Is that correct?

A That is correct.

Q Well, I assume, sir, am I correct in assuming

, that he would need no additional training?

A No. I don't feel he is. He's rather had a good job background. He's had a lot of experience in a variety of jobs and he's pretty skilled in his occupational skills.

Q Mr. Dash, is there anything you'd like to ask Mr. Bierman?

CLAIMANT: Oh, yes. I have quite a few problems. You making all these claims, to all these availability of jobs. Could you now, at this present time, tell me the unemployment rate in the City of New York? What is the unemployment rate in the City of New York? I think it's the highest in the nation, but do you have figures on that?

MR. BIERMAN: Well, the unemployment rate at the present time is between 6 and 10% in the City of New York.

CLAIMANT: O.K. Now if there's an unemployment rate of from 6 to 10% and you're telling me about all these thousands of jobs, and let's assume hypothetically, that these 7% that's unemployed are physically able, have no handicaps, not like--48--not black--and have a background and a physical record and they don't have a job, and you're going to tell me that the other jobs are going to hire me?



Q Mr. Dash, before you go any further, may I explain to you. You of course, are free to question Mr. Bierman further. The test--the legal test on which I make my determination is the existence of jobs in the national economy--not whether you would be hired for a job. Legal test is whether they exist in the national economy. They don't even have to exist in the community where you live.

CLAIMANT: What am I supposed to do? Leave everything and go there?

Q I'm not saying you should do anything. I'm just telling you.

CLAIMANT: I understand what you mean.

Q The test of disability under the statute is not whether a person would be hired for a particular job.

CLAIMANT: He says gainfully employed. He says any job--

Q --not whether you would be hired, when these jobs exist in the whole national economy. O.K.?

CLAIMANT: Well, something seems to be wrong because I know people who are getting disability just--while working getting disability or who are working, getting disability or who have gone to rehabilitation and work and also collect money. And I can give you the names and

addresses of several people--however, they're not black. And this is why--this is the message in my heart, if you may ask. And I notice on that folder there. On that thing there, with my social security number, I should have just been a number, not a race, and that thing there says I'm a negro. So naturally, when Administrator Wallace and these people state in the reconsideration, that they didn't take into consideration a man's race, if they didn't, that wouldn't have to be on there, because there's no other identification needed other than the number is on that form, and there is another point, while we're discussing this, is that why take the assumption that because I'm black, any other kind of a job that I had before, I'm still capable of doing on a national scope. Now, if Bob Grant lost his voice, I'm quite sure you wouldn't have Bob Grant to become a barber if he's qualified. If someone else were on a level of their gainfully employee being employed, is to be able to match or meet that level when you are employed to a degree, because now if you're on a level of say \$60,000 a year. Now you become ill, you're telling that man to make \$5,000--that's not being gainfully employed. Gainfully employed--the word gainfully employed means to be able to sustain satisfactorily, a living wage, and you're telling me about all these jobs nationwide. Those jobs--what is the national unemployment rate? Now, you don't want to talk about that. What is the



national unemployment rate? I think it's about 5 or 6%. Now, where are all these jobs that you're talking about? You're talking nationally? The ratio for unemployment today, the highest in the country, ever since it's been is 5 to 6% of the population. Those unemployed is the highest among blacks. I'm not being prejudiced at this hearing, I'm just giving you facts, the way they are, is the highest among blacks. Educated or uneducated and the more educated they are, there are fewer numbers and the unemployment is still greater among them because they're competing with a different level of people. Now, you tell me why they don't have no jobs you're talking about.

JUDGE: I don't understand the point you're trying to make?

CLAIMANT: Well, he says to me. I'm not arguing with him. The discrepancy. He says to me, there's so many jobs open.

MR. BIERMAN: No. I didn't say that. I said they existed.

JUDGE: He said--I just finished explaining, sir. You were not listening. That the test is not where the jobs are opening or available, just whether they exist in the national economy. That is the legal criteria I used, sir. Now, while we're at it, let me--I don't even

think I should have to say it, but I will. Until you mentioned it this moment, I had not looked at your application or social security account number. I had no idea that races were designated there, but be it as it may--you're in here as a claimant, like any other claimant. I did not know, until I read Dr. Moore's report and some of the other reports, where it was listed simply that you were a negro.

CLAIMANT: Well, I'm speaking about--I'm speaking about the regional application I filed. What a thing. You heard me wrong. It has nothing to do with you. This is before you came on the scene and I tell you that they used this in their cases for the original determination, or, yes, I think this is a bad ploy. As long as it says I'm an American citizen, the nationality should have--the race rather, shouldn't have anything to do on that application. And if you want to know about a guy's background, say German, Irish. That's a different story. They're not asking for background there. They're qualifying me as a citizen and giving me an employment number. That's all it is supposed to be for.

JUDGE: Mr. Dash, this was filed in 1940. It would certainly help that.

CLAIMANT: They haven't changed it. It's the same thing.

JUDGE: Well, I don't know.

CLAIMANT: I know, because I was involved in the same thing. It's the same thing today. It hasn't changed whatsoever. The same thing in the application today. People resent that. Most people just go along, fold their arms and forget about it. The same thing today. And then before you let the minority go on welfare, as if you were reading a letter. If you want any additional income, I can apply for welfare. Why put me on welfare? I'm just as proud as the next guy. Put them on welfare. That's why you have so many blacks on welfare. Or rather, they keep blacks on welfare who have no right being there. Rather than welfare, they should be working getting social security. Let the Government social security take care of them. Why demean the person any more than what they are demeaning. You're already physically handicapped, just being other than white. In this country. So just let's call the ball game in the right ball park. You were talking about--all you're talking about is existing. I don't know what you mean by existing. You say that we have X amount of jobs in this particular category.

JUDGE: In this area.

CLAIMANT: No. Nationally or otherwise.



JUDGE: All right. Nationally or otherwise, right.

CLAIMANT: Now, all right. You're saying that there's openings there? Or there's no openings there?

MR. BIERMAN: I don't understand the word?

CLAIMANT: They're available. Available to hire, or this is a matter of record showing how many jobs an industry hires. I don't understand what you're trying to say, because now, if they are available like you're saying to me, that they exist for the availability for applicants to apply, then I want to know why there are so many unemployed? And throughout the country. Or locally? You have a 5 % unemployment.

JUDGE: Well, perhaps you can answer it. I don't have the answer.

CLAIMANT: No. I'm not asking you. I'm asking him, but he's saying that the availability of jobs is at my disposal and the reason for this, he has his record from the classified ads was, a guy who has a business put an ad in there for a whole year and you go call up for the job and the job is taken. You've got an ad just in the paper. So, I don't think we can go by the classified ad. Let's go by the Labor Department. If the Labor Department gives us some of these jobs, then why are these people on welfare. Why is there such a high rate of unemployment in

this country? I really don't understand what you're saying, Mr. Bierman. I really don't. If you're saying to me, that the availability of jobs exists nationally, or whatever spoke or level you want to put it on, then tell me why do we have the highest rate of unemployment today? Now, I'm quite sure that everybody doesn't want to walk the streets out of work. You got people in the-- excuse me--the military bases are closed up. People are out of work. They can't even be transferred from one place to the other. They're on welfare. I do not intend to go on welfare. This is the insurance and it was paid to me out of my earnings, plus what the bosses paid that made it double. They say a lot of money, it was placed into a bank. I wouldn't have to go through these changes now. So, I think that this social security system has senseless setups to help, at the time of retirement or time of disability may arise, that the money is earned once and rather than for a citizen to degrade himself or to become a welfare recipient, this is what he is supposed to be looking for. Those who don't have this, have insurances of some kind. This is an insurance. I paid for it. I paid for that. I shined shoes, I worked every job to keep from being on welfare. And you tell me that all these jobs are

, available, I will move to wherever you send me. Bring all my--bring a boat show by myself to the firm, and you tell me whether they'll hire me. You know what they'll tell me before they hire me. Don't tell the people that you've got a medical record. Don't tell them this. Just take the job. Now, why do I have to lie, if I have a condition when insurance companies don't want to take a chance on hiring me, and they're going to tell me--and they are 48 years old--they're not going to say that I'm black. There are other ways of getting around that. Now, how am I supposed to overcome all of this? You're telling me. And you're the occupational therapist and you're telling me all of these things today. You see, you being white, and being--

JUDGE: Mr. Dash, may I say for the record, unless you have a specific question to pose to Mr. Bierman, you do have a right to present oral argument, sir, but you've got to make a specific point and you're asking Mr. Bierman questions that are completely without the realm of his examination sheet. You're asking him why. I think your questions here to why there are no jobs existing in this country for people.

CLAIMANT: That's not what I said. No. I said to



him. He said to me--the X amount of jobs are existing--  
and I said--

JUDGE: And I said to you that the test is existing  
in the national economy--not whether they're available  
to you for a specific purpose.

CLAIMANT: Not me.

JUDGE: Well, for anybody. Now, sir. You've  
managed, sir, to confuse us somewhat. Now, we are here  
in a legal proceeding and you do have a right to present  
an argument. You do have a right to questions, but I'm  
going to ask you now--I don't ever like to ask a claimant  
to make a choice but sit down, take a few minutes if you  
have to, and make your point. Just write it down on a  
piece of paper if it's necessary. If there's anything  
else that you want to put--but let's get it down to the  
specifics, if you can, sir. I have another hearing  
scheduled, sir, very shortly. O.K.? Now, if you can  
think of anything else you might like to add, just think  
about it for a few minutes. We'll go off the record for  
a couple of minutes.

CLAIMANT: I've got nothing really to think about,  
I mean. Anyway, I can't understand when you tell me  
that jobs exist and then you say to me the unemployment  
rate is very high. So, I don't really understand it  
and that's what I would like you to make clear to me.

JUDGE: Would you mind putting in writing and writing to me on this point, sir?

CLAIMANT: I'm tired of writing, so I'll tell you that, right now. There's been enough writing. That folder is loaded with papers. I'm not writing anything any more. I just don't understand being told that there were jobs available, for which I have the capabilities of performing.

JUDGE: There are jobs existing--the differentiation may or may not be available to you, if you want to apply.

CLAIMANT: Where does that leave me. That's what I'm trying to find out. Where does this leave me? This is what I'm trying to find out. These sentences mean that a certain amount of jobs exist--

JUDGE: --in the national economy and the change is what the test under the statute is. Not whether you would be hired to perform a specific job or jobs, where the jobs are existing. Mr. Bierman has no control over that, sir. I do not have any control over that. This is what the statute says. And your testimony has to be guided by the statute.

CLAIMANT: I know that part--I just don't understand what was meant by that.

JUDGE: Do you follow. It's a rigid, stricter test than many other tests are. But this is the specific test

for the purposes of disability under the Social Security Act.

CLAIMANT: What are some of the other reasons for disability under Social Security?

JUDGE: This is the inability to engage in substantial gainful activity.

A Employment, right?

Q Not employment per se. It is if you engage in substantial gainful activity.

A Another thing. An individual to be found disabled under the Social Security Act, he must have a medical impairment--

Q --that's right.

A --which prevents him from engaging in any substantial gainful activity.

Q That's right.

A In some cases--

Q --let the record indicate that Mr. Dash is reading from the back side of the Notice of Hearing which we sent to Mr. Bierman. All right. Now, there is also explained in the--on the bottom of the Notice of Hearing that was sent to you. If you read it into the record, I'd just as soon you--

A --well, the only part here, that I'd like to allude to, it says--to be found under disability and ended



with--thus being unable to engage in any substantial gainful activity due to a physical or mental impairment which has lasted or can be expected to last for a continuous period of at least 12 months.

Q Right.

A O.K. I've already been out of a job since 1970. This is 1973--or can be expected to result in death--now, I think that the condition that I do have can never result in death--

Q --or-- Go ahead, sir.

A --it doesn't say or--it says or can be expected to result in death--and this is what they tell me. Isn't that like a heart condition--a heart condition sometimes like a guy can have an impairment and be in a better position than a guy with some other kind of condition? That's the reason that I said to result in death--that the impairment must be so severe as to prevent the individual from engaging--is that how it is usually worded--that considering his age, education, previous training and work experience, and any other type of substantial gainful work which exists in significant numbers either in the region in which he lives or in other regions of the country. Have nothing in there about--it has nothing in there in regards

to a physical impairment because of one's race, religion, or otherwise.

Q That's right.

A And that is a factor in this country, now. So therefore, this is not equally justifiable to one in the position who happens to fall into that category where he cannot make achievements because of that type of background, whether it be black or white or whatever the ethical background may be, however important more than those are white. And so this in itself, is a physical impairment also. So, when you people take into consideration, when you have in the person's record, what race they belong to, when all these decisions are to be made on the administrative over-all policy--about the reading of the reports, etc., I feel since that's part of the record, all this comes into the determination, too. In other words, he can be a dishwasher somewhere, or a porter somewhere. It's the first thing they result in and so I find that the procedures of Social Security in granting benefits one way or the other, is like a court, where if a child is injured, like my daughter, that is injured in an accident. I was told by the lawyer, don't bother to go to the jury, because you're only a bus driver and you're black, so let's face it--settle. You're not Hedy LaMarr's son or husband--not her daughter.



So, therefore, the compensatory award it must have--and it's the same thing that relates-- the Social Security and the disability, as far as I'm concerned, based strictly on some part on that issue, religious issue, or what type of influence you or someone else might have to the Agency, because it doesn't seem to be done to me on fair and impartial ground, because in the first place I don't think I'd have to go through all these changes, and in the second place I don't think that there'd be so many people on welfare, if the court and his jury was doing his job fairly. And I have no more other than that to say.

JUDGE: All right. Mr. Dash, when I get the evidence from the VA Hospital, I don't know what they'll send me. And from your clinic. Do you want to see it or do you waive your right to see it? You'll save time if you don't want to see it.

CLAIMANT: I don't want to bother seeing it. I just want to get the decision.

JUDGE: Do you want to submit anything in writing for me?

CLAIMANT: I don't think so.

JUDGE: I'll be perfectly happy to take anything. The law does require that I give you an opportunity to



submit any considerations proposing findings and if you don't want to, O.K., otherwise I'll keep the record open for you. All right, Mr. Dash, my decision in this case is going to be ready as soon as it possibly can. It may take a little while pending I get the evidence-- medical evidence. It will be in writing and I'll set forth my factual findings and my conclusions of law and the reason I reached the results I do, and a copy will be mailed to you, sir. And I'd like to thank you for coming and Mr. Bierman, I want to thank you for coming.

CLAIMANT: Thank you.

(The hearing was closed at 11:30 a.m., on May 2, 1973.)

ADMINISTRATIVE LAW JUDGE: The record in this case was reopened this date, May 22, 1973, to admit into evidence Exhibits 20, 21 and 22:

Exhibit 20: CUNA Mutual Insurance Society Application for the Claimant.

Exhibit 21: Letter to Mary E. Cerbone, dated 5/16/73 from the claimant.

Exhibit 22: VA Hospital admission record for 8/6/59 and 9/26/57. Clinic notes from the Veteran's Administration from 8/29/69 through 2/14/73.

ADMINISTRATIVE LAW JUDGE: The record is hereby  
' closed.

C E R T I F I C A T I O N

I have read the foregoing transcript and hereby  
certify that it is a true and complete record of the  
hearing.

*Walter M. Lutz*  
Hearing Assistant



# APPLICATION FOR DISABILITY INSURANCE BENEFITS

Form Approved.  
Budget Bureau No. 72-R0530

(Do not write in this space)

121

NOTICE. — (a) Whoever makes or causes to be made any false statement or representation of a material fact in an application or for use in determining a right to payment under the Social Security Act, or (b) whoever, having received a payment for the use and benefit of another person, knowingly and willfully uses such payment for other than the person for whom it is received, is subject, under the Social Security Act, to a fine of not more than \$1,000 or 1 year's imprisonment, or both.

I hereby apply for a period of disability and/or all insurance benefits payable to me under Title II of the Social Security Act, as amended.

1.	Enter your full name <i>Andrew Dash</i>	(Check one) <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Enter your Social Security number (If none or unknown so indicate) <i>089 12 9492</i>
2.	Enter your date of birth (Show month, day, and year) <i>9-10-29</i>	Enter the name of the State or Foreign Country where you were born <i>Brooklyn NY</i>	
3.	(a) Have you (or has someone on your behalf) ever filed an application for a period of disability or social security benefits before? <input type="checkbox"/> Yes (If "Yes," answer (b), (c), and (d).) <input checked="" type="checkbox"/> No (If "No," go on to item 4). (b) Kind of claim filed (c) Enter name of person on whose earnings record you filed other application(s) (d) Enter Social Security Number of person named in (c)		
4.	What is your disability? (Briefly describe your impairment, that is, the injury or illness that prevents, or has prevented, you from working.) <i>Anxiety neurosis</i>		
5.	(a) When did you become unable to work because of your disability? (b) Are you still disabled? <input type="checkbox"/> Yes (If "Yes," go on to item 6.) <input checked="" type="checkbox"/> No (If "No," answer (c).) (c) If you are no longer disabled, enter the date you were again able to work.		Date (Month, day, and year) <i>10-12-70</i> Date (Month, day, and year)
6.	Check any of the following which apply to you:		
	(a) <input type="checkbox"/> Confined in a medical institution other than a general hospital	(d) <input type="checkbox"/> Confined in a chair (Including wheel chair)	
	(b) <input type="checkbox"/> Patient in a general hospital	(e) <input type="checkbox"/> None of the above but unable to go outside	
	(c) <input type="checkbox"/> Confined in bed at home	(f) <input type="checkbox"/> Able to go outside but only with help of another person or device	
		(g) <input checked="" type="checkbox"/> Able to go outside without help	

FORM SSA-16 (1-70)

(Over)

Exhibit No.

*1 (4 pages)*



7. (a) Have you EVER filed (or do you intend to file) claims for disability benefits under any workmen's compensation law or plan?  
☐ Yes (If "Yes," answer (b) and (c).) ☒ No (If "No," go on to item 8.) 122

(b) Has there been any decision or any payment (temporary, permanent, or lump-sum) made on the claim(s) filed?  
☐ Yes (If "Yes," answer (c) and (d).) ☐ No (If "No," answer (c).)

(c) Workmen's compensation claim number(s) .....

(d) Enter the amount of the weekly payment made to you \$ .....  
 (If you are receiving or have received payments on other than a weekly basis, such as bi-weekly or monthly payments, or if you have received a lump-sum payment based on your workmen's compensation claim, please indicate in "Remarks" and include the amount of such payment or payments.)

8. Did you work in the railroad industry any time on or after January 1, 1937?  
☒ Yes PA RR 6/39 to ☐ No 8/48 approx

9. (a) Were you in active military or naval service after September 7, 1939?  
☒ Yes (If "Yes," answer (b) and (c).) ☐ No (If "No," go on to item 10.)

(b) Enter name of branch (Army, Navy, etc.), country served (if other than U.S.) and dates of service.  
 9/42 to 12/45

(c) Have you received, or do you expect to receive, a benefit from any other Federal agency?  
☒ Yes (If "Yes," enter the names of all such agencies.) ☐ No  
 V. A. Mo. \$96.00

10. • Enter the names and addresses of all the persons, companies or government agencies for whom you worked during the last 12 months.  
 • If you worked in agricultural employment, give this information for this year and last year.  
 NOTE: If you were not an employee this year or last year, enter the information for your last period of employment no matter how long)  
 • If you have never been an employee, enter "none" below and go on to item 12 regarding self-employment.

NAME AND ADDRESS OF EMPLOYER	WORK BEGAN		WORK ENDED (If still working show "Not Ended")	
	Month	Year	Month	Year
NYC Fire Dept Engine 293, 87th St + 91st St Queens, NY (Firefighter)	6	58	10	70

(If you need more space, use "Remarks" space on the back page.)

11. May the Social Security Administration or the State agency reviewing your case ask your employers for information needed to process your claim?  
☒ Yes ☐ No

12. Were you self-employed this year, last year, or the year before?  
☐ Yes (If "Yes," answer item 13.) ☒ No (If "No," go on to item 14.)

13.

CHECK THE YEAR OR YEARS IN WHICH YOU WERE SELF-EMPLOYED	IN WHAT KIND OF TRADE OR BUSINESS WERE YOU SELF-EMPLOYED?	WERE YOUR NET EARNINGS FROM YOUR TRADE OR BUSINESS \$400 OR MORE? (Check "Yes" or "No")
<input type="checkbox"/> This Year		
<input type="checkbox"/> Last Year		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Year Before Last		<input type="checkbox"/> Yes <input type="checkbox"/> No

14. How much were your total earnings last year? (Count both wages and self-employment income. If none, write "None") ..... \$ 7800.33

15. How much have you earned so far this year? (If none, write "None") ..... \$ 7600.00

16. (a) Check (✓) whether you are:  
☒ MARRIED (Whether living together or separated) ☐ WIDOWED ☐ DIVORCED ☐ SINGLE  
 (If you checked "MARRIED" or "WIDOWED," complete (b), (c), and (d) if appropriate.) (If you checked "DIVORCED" or "SINGLE" go on to item 18.)

(b)

Enter your wife's maiden name or your husband's name	Date of Birth (If unknown, give age)	Date of Marriage	If husband or wife is age 62 or over or is filing for disability benefits, enter his or her Social Security No.
<u>Mary Eildy</u>	<u>7/7/24</u>	<u>5/43</u>	<u>unk</u>

(c) If your husband or wife is deceased, enter the date of death here \_\_\_\_\_ Date of Death \_\_\_\_\_

(d) If you are a married woman, was your husband receiving at least one-half of his support from you at the time you became unable to work because of your disabling condition, or is he receiving at least one-half of his support from you now? ☐ Yes ☒ No

17. Answer item 17 only if you are married AND your husband or wife is applying for benefits.

(a) Check (✓) whether your marriage was performed by:  
 Clergyman or authorized public official ☒ or other ☐ (Explain) \_\_\_\_\_

(b) Were you married before your present marriage? ☐ Yes ☒ No  
 (If "Yes," give the following information about each of your previous marriages.)

Previous marriage	To Whom Married	When (Month, day, and year)	Where (Enter name of city and State)
	How marriage ended	When (Month, day, and year)	Where (Enter name of city and State)
Previous marriage	To Whom Married	When (Month, day, and year)	Where (Enter name of city and State)
	How marriage ended	When (Month, day, and year)	Where (Enter name of city and State)

(Use "Remarks" space on back page for information about any other marriage.)

18. (a) Do you have ANY children (including natural children, adopted children, and stepchildren) who are now or were in the past 12 months UNMARRIED and

• UNDER AGE 18	<u>one</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• AGE 18 TO 22 AND ATTENDING SCHOOL	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• DISABLED (18 OR OVER AND DISABILITY BEGAN BEFORE AGE 18)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If you have children who may qualify for benefits under any of the above conditions, answer (b) and (c).

(b)

Full Name of Child	Full Name of Child
<u>Rinaldo Dash</u>	

(c) Do you wish to apply on behalf of all the children named in item 18(b) for all insurance benefits payable to them under Title II of the Social Security Act, as amended? ☒ Yes ☐ No  
 If you are not applying for any child you name, enter the child's name under "Remarks" (back page of this form) and explain why you are not applying for such child. You may apply for a child even though you do not wish to be the payee for the child's benefits.



19. Do you have a dependent parent who was receiving at least one-half of his or her support from you at the time shown in item 5(a) when you became unable to work because of your disability? ☐ Yes ☒ No 124
- Do you authorize any physician, hospital, agency, or other organization to disclose to the Social Security Administration or to the State agency that may review this application or your continuing disability, any medical records or other information about your disability? ☒ Yes ☐ No
- YOU MUST NOTIFY THE SOCIAL SECURITY ADMINISTRATION PROMPTLY IF:
- Your MEDICAL CONDITION IMPROVES so that you would be able to work, even though you have not yet returned to work.
  - You GO TO WORK whether as an employee or a self-employed person.
  - You apply for periodic benefits under any workmen's compensation law or plan.
  - You are DISCHARGED FROM THE HOSPITAL if you are now hospitalized
21. Do you agree to notify the Social Security Administration promptly if any of the above events occur? ☒ Yes ☐ No

Remarks: (This space may be used for explaining any answers to the questions. If additional space is required, attach separate sheet.)

I am separated from my wife who has care & custody of my son - I will have her file for his benefits  
 Mary E. Dash  
 130 - 61 224th St.  
 Lawvelton, Queens NY Tel 5-289247

**IMPORTANT INFORMATION. PLEASE READ CAREFULLY.**—A claimant for disability insurance benefits is required to submit medical evidence showing the nature and extent of his disability during the time he alleges he was under a disability. If such evidence is not sufficient to arrive at a determination, he may be requested to have an independent medical examination at the expense of the Social Security Administration. Should Social Security obtain information useful to his physician for treatment, such information may be furnished to him.

I know that anyone who makes a false statement or representation of a material fact in an application or for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal Law. I affirm that the above statements are true.

SIGNATURE OF WITNESSES		SIGNATURE OF APPLICANT	
If this application has been signed by mark (X), two witnesses who know the applicant must sign below, giving their full addresses.		Signature (First name, middle initial, last name) (Write in ink)	
1. Signature		SIGN HERE <input checked="" type="checkbox"/> <u>Mary E. Dash</u>	
Address (Number and street, City, State, and ZIP Code)		Mailing address (Number and street, Apt. No., P.O. Box, or Rural Route) <u>959 Kent Ave</u>	
2. Signature		City and State <u>Brooklyn NY</u>	Zip Code <u>11205</u>
Address (Number and street, City, State, and ZIP Code)		Date (Mo., day and year) <u>8/26/71</u>	Telephone number <u>622-5323</u>
		Enter name of county (if any) in which you now live <u>Queens</u>	





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BALTIMORE, MARYLAND 21241

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BUREAU OF  
DISABILITY INSURANCE

REFER TO

082-12-9492

December 8, 1971

Mr Andrew Dash  
959 Kent Av  
Brooklyn NY 11205

Dear Mr. Dash:

We have determined that you are not entitled to disability insurance benefits because you do not meet the disability requirement of the law. In reaching this decision we considered how much your condition has affected your ability to work. After carefully studying your records, including the medical evidence and your statements, and considering your age, education, training, and experience, it has been determined that your condition is not disabling within the meaning of the law.

Your social security record at the time you filed your application shows that you meet the earnings requirement for disability purposes until **December 31, 1975.** Any additional earnings which may be credited to your record after the time you applied may, of course, extend this date.

If your condition should get worse and prevent you from doing any substantial gainful work, you should write or call at your social security office about filing another disability application. An explanation of the disability requirement and the earnings requirement is given on the back of this notice.

If you believe that this determination is not correct, you may request that your case be re-examined. If you want this reconsideration, you must request it not later than 6 months from the date of this notice. You may make your request through any social security office. If additional evidence is available, you should submit it with your request. Please read the enclosed leaflet for a full explanation of your right to question the determination made on your claim.

If you have questions about your claim, you may get in touch with any social security office. Most questions can be handled by telephone or mail. If you visit an office, however, please take this letter with you.

Sincerely yours,

F. H. Sheel  
Director, Division of  
Initial Claims

Enclosure:  
SSI-58

Exhibit No. 2

## IMPORTANT INFORMATION

Under the Social Security Act, a person may qualify for disability insurance benefits only if he meets both the earnings requirement and the disability requirement of the law. The information below explains these requirements:

### The Earnings Requirement:

- A person whose disability began before age 24 meets the earnings requirement if he has social security credits for 6 calendar quarters (1½ years) of work during a 12-quarter (3-year) period ending with a quarter before age 24 in which he is disabled.
- A person whose disability began between the ages 24 and 31 meets the earnings requirement if he has social security credits for work in at least one half of the calendar quarters in the period beginning with the calendar quarter after age 21 and ending with a quarter before age 31 in which he is disabled.
- A person whose disability began at age 31 or later meets the earnings requirement if he has social security credits for 20 calendar quarters (5 years) of work during a 40-quarter period (10 years) ending in or after a quarter in which he is disabled.

If a person does not have credit for the amount of work shown above he is not eligible for disability insurance benefits.

### The Disability Requirement:

A person may be considered disabled only if he is unable to perform any substantial gainful work due to a medical condition which has lasted or can be expected to last for a continuous period of at least 12 months. His impairment must be so severe as to prevent him from working not only in his usual occupation but in any other substantial gainful work considering his age, education, training, and work experience.

The decision on your claim was made by the Social Security Administration on the basis of a disability determination by an agency of the State in which you live. Physicians and other trained disability evaluation personnel in the State agency participate in making such determinations.

Definitions of disability are not the same in all government and private disability programs. Government agencies must follow the particular laws which apply to their disability programs. Therefore, a finding by a private organization or another government agency that a person is disabled would not necessarily mean that he meets the disability requirement of the Social Security Act.

No benefits may be paid to the wife, husband, or child unless the wage earner or self-employed person is entitled to disability insurance benefits.

This notice concerns only your disability application. It is not a decision as to whether retirement, survivors, or hospital and medical insurance benefits are payable.





## REQUEST FOR RECONSIDERATION

NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON

SOCIAL SECURITY CLAIM NUMBER

NAME OF CLAIMANT

CLAIM FOR (Specify type, e.g., retirement, disability, hospital insurance, etc.)

DISABILITY BENEFITS

I do not agree with the determination made on the above claim and request reconsideration.

My reasons are:

I became unable to work at my profession as a New York City Firefighter October 12, 1970 and have been unable to work since that time because of anxiety, nervous and an enlarged liver.

NOTE: If the date of the notice of the determination on this claim was more than six months ago include your reason for not making this request earlier.

I am submitting the following additional evidence (If none, write "None."):

Bedford-Williamsburg Medical Group  
(See Photocopy of my card)

SIGNATURE OF PERSONS ONLY

SIGNATURE (Write in ink—First, Middle Initial, Last Name)

If this request has the person requesting full address.

A. NAME

ADDRESS (Number and Street, City, State and Zip Code)

B. NAME

ADDRESS (Number and Street, City, State and Zip Code)

MAILING ADDRESS (Number and Street, P.O. Box or Route)

CITY AND STATE

ZIP CODE

DATE (Month, Day, and Year)

TELEPHONE NUMBER

## FOR SOCIAL SECURITY OFFICE USE ONLY

PROVIDER NAME AND NUMBER

INTERMEDIARY NAME AND NUMBER

SOCIAL SECURITY OFFICE ADDRESS

ROUTING INSTRUCTIONS  
(Check one)☐ State Agency (Route with disability provider)☐ Payment Center BDI, Balto.☐ BHI, RO ☐ BHI, Attn: DRB, Balto.☐ Division of Foreign Claims, Balto.☐ BDPA, Attn: CWAB, Balto.☐ Intermediary



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BALTIMORE, MARYLAND 21241

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BUREAU OF  
DISABILITY INSURANCE

AUG 11 1972

REFER TO:  
DI:R:1A  
089-12-9492

NOTICE OF RECONSIDERATION DETERMINATION

Mr. Andrew Dash  
959 Kent Avenue  
Brooklyn, New York 11205

Dear Mr. Dash:

Upon receipt of your request for reconsideration, we had your claim reevaluated by a physician and a disability examiner in the State agency which works with us in making disability determinations. All the evidence in your case has been carefully evaluated; this includes the medical evidence and the additional information received since the original decision. This new evaluation was then independently reviewed in the Social Security Administration. On the basis of the evidence, and considering your age, education, training and work experience, it has been determined that the previous determination was proper under the law.

To be considered disabled for social security purposes a person must be unable to engage in any substantial gainful activity due to a medical condition which has lasted or can be expected to last for a continuous period of at least 12 months. His impairment must be so severe as to prevent him from engaging not only in his usual occupation but also in any other kind of substantial gainful work, considering his age, education and work experience. This inability to work must exist at a time when another requirement, called the earnings requirement, is met.

When you applied for disability insurance benefits, you stated you became unable to work in October 1970, at age 41, because of an anxiety neurosis. You later informed us that your correct age at that time was 46 and you also have liver and heart disorders. Your records show that you completed two years of college and worked as a municipal fire fighter.

The medical evidence considered includes hospital and clinical records and the results of a special examination arranged for you at Government expense. These reports disclose that you have been treated since at least 1951 for anxiety and receive payments from the Veterans Administration on that basis. Although you need to take medication to relieve attacks of anxiety, the evidence does not reveal that this condition markedly affects your ability to understand, remember, communicate with other people, and go about the regular activities of

CLAnson:jlp 7-27-72

DI:R:1A Anson 7/26/72  
EXHIBIT NO. 4 (3 pages)



daily living. Your liver has been found to be enlarged, but it is not reported that you have excessive weight loss, malnutrition, generalized weakness, or organ dysfunction which would cause unusual restrictions of moderate activity. Chest X-ray, electrocardiograms, and physical examinations have not shown a serious heart abnormality which would prevent ordinary physical exertion.

We realize that you have discomfort on occasion and are concerned about your health. While your fear of height would make it difficult for you to do some of the tasks required of a fireman, the total evidence does not establish that your impairments, either singly or in combination, are severe enough to prevent you from engaging in less hazardous types of substantial gainful work which are in keeping with your background.

The decision as to whether an individual is under a disability is made on the basis of the evidence in each case. Thus, two applicants for benefits may appear to have a similar type of impairment, but the determination for each may differ because of differences in actual clinical findings, results of laboratory studies, response to treatment and vocational factors such as age, previous training and work experience.

We are also aware of the difficulties which an individual may experience in finding suitable work when faced with employer hiring practices and local economic conditions, together with his physical impairments. Under the disability provisions of the Social Security Act, though, unemployment must be primarily due to a physical or mental incapacity to do any type of substantial gainful work which exists in significant numbers in the national economy. Lack of ability to do a job, as distinguished from lack of ability to get a job, is essential to a favorable determination. Other programs, such as unemployment compensation, and public assistance, were designed for partial replacement of income lost because of unemployment not necessarily related to disability.

The finding of the Veterans Administration in your case was carefully considered by us along with the rest of the evidence in your file. The Veterans Administration has several disability programs under different laws, and the eligibility requirements differ in each instance. Although similar, the eligibility requirements under the disability programs administered by the Veterans Administration and by the Social Security Administration are not the same. Thus, a person who meets the requirements under a Veterans Administration program does not necessarily qualify under the disability provisions of the Social Security Act. Under our program we must determine whether the requirements contained in the Social Security Act are met.

As you were previously informed, this determination concerns only your disability application. It is not a decision as to whether benefits will be payable to you at retirement age.

3

We hope this satisfactorily explains the reason for the determination in your case. If you believe that the reconsideration determination is not correct, you may request a hearing before a hearing examiner of the Bureau of Hearings and Appeals. If you want a hearing, you must request it not later than 6 months from the date of this notice. You should make your request through your social security office. Read the enclosed leaflet BHA-1 for a full explanation of your right to appeal.

Robert J. Duvall  
Director, Division of Reconsideration

Enclosure:  
BHA-1



APPLICATION FOR SOCIAL SECURITY ACCOUNT NUMBER  
 REQUIRED UNDER CHAPTER 9, SUBCHAPTER A, OF THE INTERNAL REVENUE CODE  
 (FORMERLY TITLE VII, SOCIAL SECURITY ACT)

089-12-131  
 089-12-9492

READ INSTRUCTIONS ON BACK BEFORE FILLING IN FORM  
 EACH ITEM SHOULD BE FILLED IN. IF THE INFORMATION CALLED FOR IN ANY ITEM IS NOT KNOWN, WRITE "UNKNOWN"

PLEASE PRINT WITH INK OR USE TYPEWRITER

1. Andrew Wilbur Dash  
 WORKER'S FIRST NAME MIDDLE NAME (IF YOU HAVE NO MIDDLE NAME, DRAW A LINE) LAST NAME  
 (MARRIED WOMAN: FOR MIDDLE NAME, GIVE LAST NAME BEFORE MARRIAGE; FOR LAST NAME, GIVE HUSBAND'S LAST NAME)

2. FULL NAME UNDER WHICH YOU WORK, IF DIFFERENT FROM NAME SHOWN IN ITEM 1 Andrew Dash

3. 336 Lexington Ave, Bldg 7, N.Y.C.  
 WORKER'S PRESENT HOME ADDRESS (STREET AND NUMBER) (CITY) (STATE)

4. King N.Y.  
 MARRIED MAN: GIVE WIFE'S FULL NAME BEFORE MARRIAGE (CITY) (STATE)

5. Unknown  
 BUSINESS NAME OF PRESENT EMPLOYER BUSINESS ADDRESS OF PRESENT EMPLOYER (STREET AND NUMBER) (CITY) (STATE)

6. 18  
 AGE AT LAST BIRTHDAY

7. March 18 22  
 DATE OF BIRTH (MONTH) (DAY) (YEAR) (SUBJECT TO LATER VERIFICATION)

8. Yathaniel Wilbur Dash  
 FATHER'S FULL NAME, REGARDLESS OF WHETHER LIVING OR DEAD

9. Esther Dash  
 MOTHER'S FULL NAME BEFORE MARRIAGE, REGARDLESS OF WHETHER LIVING OR DEAD

10. Male White  
 SEX: (CHECK (X) WHICH) COLOR OR RACE: (CHECK (X) WHICH)

11. Yes  
 HAVE YOU FILLED OUT A CARD LIKE THIS BEFORE? YES (CHECK (X) WHICH) AND IF ANSWER IS "YES" ENTER PLACE AND DATE OF ORIGINAL FILING AND REASONS FOR FILING AGAIN

12. 3/21/40  
 DATE SIGNED

13. Andrew Wilbur Dash  
 APPLICANT'S (DO NOT PRINT) SIGNATURE (FIRST NAME) (MIDDLE NAME) (LAST NAME)

14. RETURN COMPLETED APPLICATION TO, OR SECURE INFORMATION ON HOW TO FILL OUT APPLICATION FROM, NEAREST SOCIAL SECURITY BOARD FIELD OFFICE. THE ADDRESS CAN BE OBTAINED FROM LOCAL POST OFFICE.

FD-501 (Rev. 4-15-64)  
 SOCIAL SECURITY AGENCY  
 (Revised April 1964)

EMPLOYER'S USE ONLY  
 READ INSTRUCTIONS ON BACK BEFORE FILLING IN FORM

FORM APPROVED, BUREAU NO. 72-112-43  
 ACCOUNT NO. 089-12-9492

1. IF REQUESTING NAME CHANGE, ENTER NEW NAME EXACTLY AS YOU WILL USE IT AT WORK ANDREW WILBUR DASH

2. same  
 Name as last furnished for social security records

3. 9-10-24 3-18-22  
 Date of birth (Month) (Day) (Year) Birth date previously reported if different from item 3

4. White  
 Color or race: (CHECK (X) WHICH)

5. Male  
 Sex: (CHECK (X) WHICH)

6. King N.Y.  
 Place of birth (City) (County) (State)

7. Unknown  
 Business name and address of employer. (If unemployed, write "Unemployed") (Address and street) (City) (State)

8. BF12 9-18-46  
 Reason for filing for account

9. 3/21/40  
 Date and place where and when you got your original social security card

10. Yes  
 Have you filled out a card like this before? YES (CHECK (X) WHICH) AND IF ANSWER IS "YES" ENTER PLACE AND DATE OF ORIGINAL FILING AND REASONS FOR FILING AGAIN

11. Andrew Wilbur Dash  
 APPLICANT'S (DO NOT PRINT) SIGNATURE (FIRST NAME) (MIDDLE NAME) (LAST NAME)

12. RETURN COMPLETED APPLICATION TO, OR SECURE INFORMATION ON HOW TO FILL OUT APPLICATION FROM, NEAREST SOCIAL SECURITY BOARD FIELD OFFICE. THE ADDRESS CAN BE OBTAINED FROM LOCAL POST OFFICE.

Exhibit No. 5

From STA 774 (3.71)

[illegible]



REPORT OF DISABILITY INTERVIEW

SSA-401  
(WRITE LEGIBLY)

1. Enter your full name Andre Dash  
(FIRST) (MIDDLE) (LAST)
2. Enter your social security account number 089-12-9492
3. What is the nature of your injury or illness? Anxiety Neurosis
- 4A. What is the highest grade in school that you completed? 2years College
- 4B. Please explain any other type of training you may have had. Army

WORK EXPERIENCE

5. What was your principal occupation (job title)? Firefighter
6. In what type of business or industry did you work? NYC Fire Dept.
7. List all types of jobs held in the 15 year period before you became disabled.  
(If more room is needed, you may use the reverse of this form)

JOB TITLE  
Firefighter

APPROXIMATE DATES WORKED

10-70-----6-58

~~Surface Line Operator~~

Surface Line Operator

6-58-----8-48

Penn R.R.

8-48-----6-39

8. Please explain your principal job, including job identification, physical demands, working conditions, job duties and required skills.
9. Have you done any work at all since the alleged onset of disability? no
- If yes, please describe what work you did on the reverse of this form.

Exhibit No. 7 (3pages)

ONSET OF IMPAIRMENT

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10. On what date did your injury or illness first bother you? 1966
11. On what date did you stop working? 10-70
12. When did you become unable to work because of your disability? 10-70
13. Please describe the effect your illness or injury had on your work activity when your condition first bothered you. (Symptoms, job duties, working conditions, attendance).
14. Please describe significant changes (with dates) until your work stopped. (Symptoms, job duties, working conditions, attendance).
15. What was the reason for stopping work? If you became disabled at a date later than when you stopped working, please explain.



16. Have there been any changes in symptoms, physical limitations, or activities since you stopped working? If yes, describe all changes in your condition (with dates) since you stopped work.

## EFFECTS OF CURRENT CONDITION

17. Please describe your current condition, terms of symptoms (type, frequency, severity), normal activity limitations, and other limitations.
18. Please describe any limitations or restrictions placed upon you by your physician.

## DAILY ACTIVITIES

19. Please describe your activities during a typical day. Include both physical and mental activities as well as contact with others. Describe any assistance required in caring for your personal needs and describe your current living arrangements.
20. If you have any other comments about your condition and how it prevents you from working which you feel would be helpful to us, please put them on the reverse of this form.



**MEDICAL HISTORY AND DISABILITY REPORT**  
(Please type or print clearly)

Form Approved  
OMB No. R-0554

136

PLEASE COMPLETE THIS FORM. COMPLETE ANSWERS WILL AID IN THE PROMPT PROCESSING OF YOUR CLAIM. If you are filing on behalf of someone else, enter his or her name and social security number in the space provided and answer all questions.

NAME OF CLAIMANT

ANDREW DASH

SOCIAL SECURITY NUMBER

089-12-9492

AGE LAST BIRTHDAY

47

EDUCATION (Highest grade completed)

2 yr College

TRADE SCHOOLS, SERVICE SCHOOLS OR JOB TRAINING

WHAT IS CLAIMANT'S ILLNESS OR INJURY?

Severe Anxiety Neurosis & Enlarged Liver, Extra Heartbeats

A. When did your illness or injury first bother you? Less.....

MONTH, DAY, YEAR

10-70 Condition appeared

B. When did your illness or injury finally prevent you from working? ..

MONTH, DAY, YEAR

10-70

C. Explain why you stopped working.

I was maintained on sick leave for a Broken Thumb which called for a pen reduction & an Activated Anxiety Neurosis & and enlarged Liver & Extra Cardiac Excitability and certain Social & Domestic Conditions within the job (Fire House) manifested the conditions I described above.

D. Did you return to work after the date shown in I.B. above?

☐ Yes

☒ No

Answer this question only if the dates in I.A. and B. above are not the same.

E. Before you stopped working, did your illness or injury cause you to change:

Your job or job duties?

☒ Yes

☐ No

Your hours of work?

☒ Yes

☐ No

Your attendance?

☒ Yes

☐ No

(Explain how your condition caused these changes and show the dates the changes were made).

The condition of the Broken Thumb natural being in cast I did no work for 3 wks. Sick leaveage. Thus the manifestation of my Anxiety change my light duty assignment until I was sent by Commissioner for Disability Determination where Dr. Finney recommended Same I had no

(Form SSA-401 (4-73))

say in the matter

If you need more space for any answer, use Page 5.

Exhibit No. 8 (8 pages)



NAME of the doctor who has your latest medical records.

IF YOU HAVE NO DOCTOR, CHECK HERE

NAME *Dr. Grings*  
AREA CODE AND TELEPHONE NUMBER *443-7300*

ADDRESS *1143 DeKalb Ave*  
*Brooklyn NY 11221* *137*

HOW OFTEN DO YOU SEE HIM?

*2 mo*

DATE YOU FIRST SAW HIM

*Dec*

DATE YOU LAST SAW HIM

*Feb*

REASONS FOR VISITS

*Complete examination after changing medical groups*  
*(handgunner's damage to liver)*

TYPE OF TREATMENT RECEIVED

*Remained on medication given by*  
*V.A. Clinic from Bryson St although in his opinion all*

B. Have you seen any other doctor since your illness or injury began? ...

☒ Yes

☐ No

If "Yes," show the following:

NAME *Fine Dept Medical Div.*  
AREA CODE AND TELEPHONE NUMBER *TR 6-2711*

ADDRESS

*Fine Dept Medical*  
*Spring St Manhattan*

HOW OFTEN DO YOU SEE HIM?

*when ordered*

DATE YOU FIRST SAW HIM

*matter of Records prior to Retirement*

DATE YOU LAST SAW HIM

REASONS FOR VISITS

*Required by Reg. (for Ankylosing Spondylitis)*

TYPE OF TREATMENT RECEIVED

*advised no treatment (+RAY, EKG)*

If you have seen other doctors since your illness began, list their names, addresses, dates and reasons for visits on Page 5.

C. Have you been hospitalized or treated at a clinic for your illness or injury? ...

☒ Yes

☐ No

If "Yes," show the following:

NAME OF HOSPITAL OR CLINIC

*La Guardia Hosp*

ADDRESS

*Queens*

PATIENT OR CLINIC NUMBER

*DR. B. B. B. HIP #10008605454*

WERE YOU AN INPATIENT? (STAYED AT LEAST OVERNIGHT)

☒ Yes

☐ No

IF "YES,"

DATES OF ADMISSIONS

*10-70*

DATES OF DISCHARGES

*11-70*

WERE YOU AN OUTPATIENT?

☒ Yes

☐ No

IF "YES,"

DATES OF VISITS

*several*

REASON FOR HOSPITALIZATION OR CLINIC VISITS

*open fractures for broken thumb,*

TYPE OF TREATMENT RECEIVED

*permitted to take tranquilizers during my stay*

If you have been in other hospitals or clinics for your illness or injury, list the names, addresses, patient or clinic numbers, dates and reasons for hospitalization or clinic visits on Page 5.

D. Have you been seen by other agencies for your injury or illness?

☒ Yes

☐ No

(VA, Workmen's Compensation, Vocational Rehabilitation, Welfare, etc.)

If "Yes," show the following:

NAME OF AGENCY

*Veteran Administration*

ADDRESS OF AGENCY

*35 Bryson St*

YOUR CLAIM NUMBER

DATES OF VISITS

*two months for years*

TYPE OF TREATMENT OR EXAMINATION RECEIVED

*+RAY, EKG, EEG, Tranquilizers*

If more space is needed, list the other agencies, their addresses, your claim numbers, dates, and treatment received on Page 5.

Has your doctor told you to restrict your activities in any way? ☒ Yes ☐ No  
 If "Yes," give the name of the doctor and state what he told you about restricting your activities.

The Fire Dept had restricted my activities on many occasions Cardiac Reaction, Anxiety & Broken Heart etc. 138

IV. Are your home duties, social activities or ability to care for your personal needs limited in any way? ☒ Yes ☐ No  
 If "Yes," describe how and why they are limited.

Because of many Anxiety Reaction brought on by frustration in try to right wrongs of our Society Social problem, the unjust the poverty Community, drug abuses and failure of these responsible to right the wrongs who don't

V. List all regular jobs you have had in the last 15 years before you stopped working. (If you are 55 or older, AND have a 6th grade education or less, AND performed only heavy unskilled labor in the last 15 years, list all of the jobs you have had since you began to work. If you need more space, use page 5.)

JOB TITLE	TYPE OF BUSINESS	DATES WORKED (Month and Year)		DAYS PER WEEK	RATE OF PAY (Per hour, day, week, month or year)
		FROM	TO		
My City Firefighter	Fire fighting	6-1958	9-2-71		10,500
My City Housing	Police				
My City Bus driver	Truck Operator	8-48	9-57		

VIA. What was your usual job in the 15 years before you stopped working? (Usually this will be the kind of work you did for the longest period of time.)

Fire fighting

B. Describe the duties of your usual job in your own words:

Assessing at the scene of a fire large or small and unusual in nature to extinguish same w/ experience.

Making of inspection & issuance of Sum for Fire Violations, Public speaker, Fire Prevention enforcement, Fire Marshal

(CONTINUES ON TOP OF PAGE 4)



Mr. Traub U.A. Clinix 35 Dyerson St Bklyn  
 Mr. Brown 291 2336 Kent Hygien HIF 89 Ave 168 St Jms  
 Mr. Goring 443 7300  
 Mr. Algis Buswick Ave Brooklyn, ny  
 Mr. Kinney Outside Fire Dept District

C. Did your usual job involve:

1. The use of machines, tools, or equipment .....
2. Technical knowledge or special skills .....
3. Any supervisory responsibilities .....

☒ Yes ☐ No  
☒ Yes ☐ No  
☒ Yes ☐ No

Please Explain All "Yes" Answers.

① Various hand tools mechanical & electrical, Ropes  
 adders, Pumper, Scott air Packs etc.  
 ② Various OJT on job training Physical & Fitness  
 through drill & constant training

D. Please describe the kind and amount of physical activity involved in your job during a typical work day (circle number of hours in a day).

1. WALKING	2. STANDING	3. SITTING
0 1 2 3 ④ 5 6 7 8	0 1 2 3 4 5 ⑥ 7 8	0 1 ② 3 4 5 6 7 8

Lifting and carrying (describe what was lifted, how heavy it was, how often it was lifted, and how far it was carried).

Hose fittings & hose 2 1/2" x 50 ft amount of  
 lengths depending on a street & scene of fire  
 no specific factor (Base condition at scene of operation)

VII. How does your illness or injury now prevent you from performing your usual job duties as described in Item VIB?

To begin with as like being active  
 I am to old for a fast house (as Burytho) & to  
 young for a slow Co (Fire House) with the  
 latter there was a much less time to get involved  
 w/ officers & other members who were what  
 Seminars on all the problem of the day w/  
 natural you being completely alone there are  
 far to many Rights in the fire house to be

in a slow & with my Philosophical mind 140  
found strictly a long the line of Liberty &  
Justice for all, Regardless of Race Creed or  
Color, & this was every since  
these injustices became apparent to me  
while in service during WWII

You people also astound me, you  
say because of my age & education I  
can obtain other work.

You must be aware of the Unemployment  
status of 6%, the able bodied people can't  
work! Then you treat the older than  
me people who have no means of  
profits under Social Security or my Back-  
ground yet you are asking me to  
deprive these people of some kind of  
gainful employment! (work categories  
like teacher, porter, etc.) I'm alone taking  
this away from the less fortunate.

You should also realize that there  
is Racial Discrimination! Age Discrimination!  
Health Discrimination! You ever can't  
fit in.

You describe arch 2 to describe a white  
man with grey hair & then changed to Black



fair promoting disability Benefits. 141

"anyone sick a year or more is entitled to view  
disability Benefits" The advertisement is  
misleading & taken out of context!

To tap it off people of all races contribute  
to another form of taxes (Social Security)  
it would be wise to ~~show~~ show a white  
Black man or woman so that the general  
viewer can't feel you are talking to them as  
well as the white image shown on TV

I have been out of work a year or more  
and I feel that I am entitled these  
months since 10-70 until present time  
as until I get a job a training

I am bring this matter to the attention  
the Fed, State, City Commissioner on Human  
Rights this is the notice of protest I  
want names of some people getting  
disability who condition probably the same as  
my

If I can't get a job I don't intend to go on  
welfare unless I'm entitled disability Benefits

Knowing that anyone making a false statement or representation of a material fact for use in determining  
a right to payment under the Social Security Act commits a crime punishable under Federal Law, I certify  
that the above statements are true.

NAME (PRINT NAME OF CLAIMANT OR PERSON FILING ON HIS BEHALF)

DATE

SIGN  
HERE

Angie Nash

2-12-72

DISABILITY DETERMINATION AND TRANSMITTAL				1. FOLDER TO: BOI <input type="checkbox"/> SA <input checked="" type="checkbox"/> DFC <input type="checkbox"/>			2. DATE APP'D. 08/30/71			
3. W/E (If Auxiliary Filing)				OASI W/E <input type="checkbox"/>	DIB W/E <input type="checkbox"/>	4. SOCIAL SECURITY ACCOUNT NUMBER 089-12-9492				
5. NAME AND ADDRESS OF CLAIMANT Andrew Dash 959 Kent Ave Brooklyn NY 11205				6. DB. 09/10/29		7. SEX M <input checked="" type="checkbox"/> F <input type="checkbox"/>		8. RACE W <input type="checkbox"/> N <input checked="" type="checkbox"/> O <input type="checkbox"/>	9. AOD 10/12/70	10. AT AGE 41
				11. CLAIM FOR FREEZE <input type="checkbox"/> DIB <input checked="" type="checkbox"/> CHILD <input type="checkbox"/> DWS <input type="checkbox"/>		12. FAMILY STATUS MAR. SG <input checked="" type="checkbox"/> NO. CHILDREN (UNDER 18) 01		13. QC REQ. 12/31/75		<input type="checkbox"/> SI
14. <input type="checkbox"/> W/E DOES NOT MEET QC REQ. A. <input type="checkbox"/> DIS. BOI REVIEW B. <input type="checkbox"/> SINCE LAST DET.				15. PREV. DENIED OR TERM. <input type="checkbox"/>		16. NON DIS. DEV. IN PROGRESS <input type="checkbox"/>		17. MED. DEV. DEF. <input type="checkbox"/>		
18. SA CODE 330		19. STATE NYS		20. DISTRICT OFFICE ADDRESS 345 Adams St Brooklyn NY 11201				DO CODE 106	RO CODE 21	
FILE REVIEWED & APPROVED FOR TRANSMITTAL				23. REMARKS						
21. CLAIMS REPRESENTATIVE <i>Tom Kaeh</i>				Telephone No. 622-5323 PRESCRIBED PERIOD 1971 NOV 16 NY 8:35						
22. DATE OF TRANSMITTAL 11/11/71										
PURSUANT TO PROVISIONS OF SEC. 221 OF SOCIAL SECURITY ACT, IT IS DETERMINED THAT THE CLAIMANT:										
24. <input type="checkbox"/> HAS BEEN UNDER A DISAB. SINCE		25. <input type="checkbox"/> WAS UNDER A DISAB. A. DATE FROM B. TO		26. <input type="checkbox"/> WAS NOT UNDER A DISAB. ON OR BEFORE (Date)		29. DIAGNOSIS <i>Fracture Right thumb</i>				
27. <input checked="" type="checkbox"/> WAS NOT UNDER A DISAB.		28. CASE OF BLINDNESS AS DEFINED IN SEC. 216(i) A. <input type="checkbox"/> NOT UNDER A DISAB. FOR CASH BENE. PURP. B. <input type="checkbox"/> UNDER A DISAB. FOR CASH BENE. PURP. SINCE				30. NOS CODE 2				
31. VOCATIONAL BACKGROUND (Occupation) <i>Fireman</i>									OCC. YEARS 12	
									EDUC. YEARS 2 YRS COLLEGE	
32. BASIS FOR DETERMINATION <i>1.504 A</i>										

<input checked="" type="checkbox"/> CONTINUED ON ATTACHED SHEET (Use OA-D834)										
33. RECOMMEND RE-EXAM (Date)		34. DISABILITY EXAMINER'S A <i>See Case had</i>		35. DATE 11/11/71		36. REVIEW PHYSICIAN'S A <i>See Case had</i>		37. DATE 11/24/71		
TO BE COMPLETED BY SSA										
38. <input type="checkbox"/> CHILD'S DISABILITY BEGAN BEFORE AGE 18 AND CONTINUES. <input type="checkbox"/> CHILD NOT UNDER A DISABILITY WHICH BEGAN BEFORE AGE 18.			39. <input type="checkbox"/> W E MEETS QC REQ. IN _____ QTRS. <input type="checkbox"/> W E DOES NOT MEET QC REQ. HAS _____ OF _____ QTRS. FOR AQD ENDING _____			40. A PERIOD OF DISABILITY IS <input type="checkbox"/> ESTABLISHED FROM _____ TO _____ <input checked="" type="checkbox"/> NOT ESTABLISHED				
41. REMARKS <i>See revised 831 of 1/20/72</i>										
42. RE-EXAM REQ.		43. DISABILITY EXAMINER		44. DATE		45. DISABILITY EXAMINER		46. DATE 99/12/36/1		
CLAIMANT TO BE NOTIFIED BY:				49. PRIOR ACT <input type="checkbox"/> PD <input type="checkbox"/> PI <input type="checkbox"/> REVISED		50. BASIS CODE D		51. A OR D CODE D-1		52. RETURN CODE B
47. <input checked="" type="checkbox"/> BOI <input type="checkbox"/> PC		48. LTR PAR NO 208.1 - 12/31/75		53. CAT. <input checked="" type="checkbox"/> DIB <input type="checkbox"/> OSP <input type="checkbox"/> CH <input type="checkbox"/> FR		54. SPECIAL CODE <input type="checkbox"/> VA <input type="checkbox"/> VAD		55. LIST NO.		



CONTINUATION SHEET  
FOR DISABILITY DETERMINATION

ME:edm 3

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NOTE.—Use this form only when necessary for continuation of Item 32 of "DISABILITY DETERMINATION" or "CESSATION OR CONTINUANCE OF DISABILITY".			
NAME	NAME OF WAGE EARNER (IF AUXILIARY FILING)	SOCIAL SECURITY ACCOUNT NO.	DATE
Andrew Dash		089-12-9492	11/17/71

Report from LaGuardia Hospital covering hospitalization from October 19, 1970 to October 26, 1970 and a medical report from New York Diagnostic Center dated July 17, 1971.

Claimant alleges inability to work since October 12, 1970 due to anxiety. File fails to indicate any complaint or treatment for a mental condition. Medical evidence in the file covering a fracture of the right thumb indicates that the claimant's ability to sit, write, grasp, manipulate, walk and stand is sufficient to meet the physical demands of his usual and customary job with no indication whatsoever of any treatment or complaints of a mental condition or disability. This claim for disability benefits is denied.

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FORM APPROVED  
BUDGET BUREAU 77573.5DISABILITY DETERMINATION  
AND TRANSMITTAL

1. FOLDER TO BOI <input type="checkbox"/> SA <input checked="" type="checkbox"/> DFC <input type="checkbox"/>		7. DATE APPD. 8/30/71	
2. W/E (If Auxiliary Filing) <input type="checkbox"/> W/E <input type="checkbox"/> D/W <input type="checkbox"/>		4. SOCIAL SECURITY NUMBER 089-12-9492	
5. NAME AND ADDRESS OF CLAIMANT Andrew Dash 959 Kent Avenue Brooklyn, New York 11205		6. DOB 9/10/29	7. SEX M <input checked="" type="checkbox"/> F <input type="checkbox"/>
		8. RACE W <input type="checkbox"/> N <input checked="" type="checkbox"/> O <input type="checkbox"/>	9. AOD 10/12/70
		10. AGE 47	
11. CLAIM FOR FREEZE <input type="checkbox"/> DIB <input checked="" type="checkbox"/> CHLD <input type="checkbox"/> DWB <input type="checkbox"/>		12. FAMILY STATUS MAR. <input checked="" type="checkbox"/> SG. <input type="checkbox"/>	13. QC REQ. LAST MET 12/31/75
14. <input type="checkbox"/> W/E DOES NOT MEET QC REQ. A. <input type="checkbox"/> DIS. BOI REVIEW B. <input type="checkbox"/> SINCE LAST DET.		15. PREV. DENIED OR TERM. <input type="checkbox"/>	16. NON-DIS. DEV. IN PROGRESS <input type="checkbox"/>
17. MED. DEV. DEF. <input type="checkbox"/>			
18. SA CODE 330	19. STATE New York	20. DISTRICT OFFICE ADDRESS 345 Adams Street Brooklyn, New York 11201	DO CODE 106
		RO CODE 21	
21. DO/BO REPRESENTATIVE		23. REMARKS Telephone number: 622-5323 SSA-561 FILED 2-28-72 622-5323	
22. DATE OF TRANSMITTAL		TELEPHONE NO. Beginning Ending	
PURSUANT TO PROVISIONS OF SEC. 221 OF SOCIAL SECURITY ACT, IT IS DETERMINED THAT THE CLAIMANT:			
24. <input type="checkbox"/> HAS BEEN UNDER A DISAB. SINCE	25. <input type="checkbox"/> WAS UNDER A DISAB. A. DATE FROM B. TO	26. <input type="checkbox"/> WAS NOT UNDER A DISAB. ON OR BEFORE (Date)	29. DIAGNOSIS Chronic anxiety neurosis
27. <input checked="" type="checkbox"/> WAS NOT UNDER DISAB.	28. CASE OF BLINDNESS AS DEFINED IN SEC. 216(i) A. <input type="checkbox"/> NOT UNDER A DISAB. FOR CASH BENE. PURP. B. <input type="checkbox"/> UNDER A DISAB. FOR CASH BENE. PURP. SINCE	30. MOB CODE C	
31. VOCATIONAL BACKGROUND (Occupation) Freeman Surface Mine Operator			OCC. YEARS 12 EDUC. YEARS High School
32. BASIS FOR DETERMINATION REG-BASIS CODE H1-1502 b			LISTING

CONTINUED ON ATTACHED SHEET (Use SSA-834)

(RELEASE DATE OF FOLDER TO BOI/PC)

AUG 11 1972

33. REC. RE-EXAM ONE (Date) THOSP.	34. DISABILITY EXAMINER SA C. Gonzalez	35. DATE 7/3/72	36. REVIEW PHYSICIAN SA C. L. Anson	37. DATE 7/5/72
38. <input type="checkbox"/> CHILD'S DISABILITY BEGAN BEFORE AGE 18 AND CONTINUES. <input type="checkbox"/> CHILD NOT UNDER A DISABILITY WHICH BEGAN BEFORE AGE 18.	39. <input checked="" type="checkbox"/> W/E MEETS QC REQ. <input type="checkbox"/> W/E DOES NOT MEET QC REQ. HAS OF QRS FOR AOD ENDING.	40. A PERIOD OF DISABILITY IS <input type="checkbox"/> ESTABLISHED FROM TO <input checked="" type="checkbox"/> NOT ESTABLISHED		
41. REMARKS DOB DISCREPANCY: 3/18/22, 3/18/23, 9/10/24, 9/10/29 etc THIS REVERSES 831 OF 12/3/71				
42. RE-EXAM REQ.	43. DISABILITY EXAMINER	44. DATE	45. DISABILITY EXAMINER C. L. Anson	46. DATE 7/6/72
47. <input checked="" type="checkbox"/> BOI <input type="checkbox"/> PC	48. LTR/PAR NO D/L	49. PRIOR ACT <input type="checkbox"/> PD <input type="checkbox"/> P <input checked="" type="checkbox"/> REVISED	50. BASIS CODE H1	51. A CHD CODE D1
52. RETURN CODE		53. CAT <input type="checkbox"/> W <input type="checkbox"/> DIB <input type="checkbox"/> OSF <input type="checkbox"/> CH <input type="checkbox"/> FR	54. SPECIAL CODE <input type="checkbox"/> VA <input type="checkbox"/> VAD	55. LIST NO

FORM SSA-831 (1-72)

1-FOLDER COPY

EXHIBIT 10 (2 pages)



# CONTINUATION SHEET FOR DISABILITY DETERMINATION

CB:ero RCH 1

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NOTE.—Use this form only when necessary for continuation of item 32 of "DISABILITY DETERMINATION" or "CESSATION OR CONTINUANCE OF DISABILITY".

NAME OF DISABLED INDIVIDUAL Andrew Dash	NAME OF WAGE EARNER (IF AUXILIARY FILING) SOCIAL SECURITY NUMBER 030-12-9492
--	--

The statement of evidence in the determination of 12/3/71, except as modified herein, is hereby incorporated by reference, but not the inferences, findings or conclusions thereon.

V A Out Patient Clinic, 11/71.

Austin Moore, M.D., psychiatrist, consultative examination of 5/8/72.

Medical evidence shows that the claimant has a chronic anxiety neurosis. On current examination it is noted that he has anxiety attacks relieved by taking medication. He is well oriented, sensorium was clear, memory was intact and intelligence is above average, and insight and judgment were good. Some paranoid trends were noted in his thinking. He is most concerned with injustices done to himself and other blacks because of their race. He spends his days writing to congressmen, radio stations and other people expressing his views on social issues. It is felt that there is no medical evidence to establish that the claimant would be unable to return to work. Accordingly, the claim is denied.

This revises the previous determination of 12/31/71.

(INITIAL AND DATE)

DISABILITY EXAMINER SA C3	DATE 7/3/72	REVIEW PHYSICIAN SA E	DATE 7/5/72	DISABILITY EXAMINER SDI	DATE	DISABILITY EXAMINER SDI Hla - 0	DATE 7/24/72
------------------------------	----------------	--------------------------	----------------	-------------------------	------	------------------------------------	-----------------

SSA-634  
(4-71)

FOLDER

Y. 1

5/29/69

8/29/69

10/20/69

1/20/70

4/16/70

8/3/70

8/21/70

1/14/71

5/5/71

7/14/71

9/13/71

11/5/71

2/11/72

3/10/72

11 (2 pages)



**DOCTOR'S PROGRESS NOTES**  
(Sign all notes)

**(Sign all notes)**

1 DATE 2/4

DATE	DESCRIPTION
2.11.78	Failed appointment

3.10.72

Tells that it flows into down to up

Liverpool

по кривомеру,

Hint

Kt Valium San Ltd

Plant 25y h 8 " 60 " 40 "

Тамыр

CLINICAL RECORD

DOCTOR'S PROGRESS NOTES  
(Sign all notes)

DATE 11.5.71

General Summary

Veteran has been under treatment for PC anxiety reactions since 1951.

He has been coming regularly every 2-3 months. Received supportive psychotherapy and hypnotic medication.

He is in good contact, coherent and pleasant. Serious hallucinations and suicidal ideation.

Gets depressed, tense and anxious. Has anxiety fear of heights and

He also occasional G.I. symptoms when upset. Recovered & his health

Lives alone separated from family. Worked in NYC Fire Department but had to retire because of low tolerance for stress.

Prognosis remains guarded

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)

REGISTER NO.

WARD NO.

DOCTOR'S PROGRESS  
Standard 1  
509

2



**DOCTOR'S PROGRESS NOTES**  
(Sign all notes)

(Sign all notes)

DAIW

Felt that there were racial  
prejudices in the department  
and it bothered him -

Rt. ~~Edward~~ d. Fair  
Rever

11.5.71

46 y old attorney, e.c for  
anxiety reaction.

Retired lately from NYC Fire Department because of his condition. He gave to stated that he gets nervous and tense takes more medication to calm down.

In good contact, coherent and  
relevant - denies hallucinations  
is distrustful and on last job  
felt that he was discriminated  
against because of color —

Lives separately from his family - because he did not get along, but visits them.

Series Arsenic - but no  
hepatomegaly. At change to Valium, 50

Elaine 25 y hr <sup>7/11</sup> 209

Exercitatio II

CLINICAL RECORD

DOCTOR'S PROGRESS NOTES

(Sign all notes)

DATE 7.19.71

H. on sick leave from N.Y.C. Fire Dept.  
will retire on disability. Dismissed  
his anxiety, from his last meeting  
try to come here. Felt uneasy  
when I came in on occasions  
without a shirt and did not find  
this therapist in.

Chest X-ray

Wants to make effort, it makes  
him feel down -  
will make up in 4 wks

R.R. Ward 25, 64

Trifan 2/1/67

att. for Annual P.E.

Ray

9.13.71

H. retired from Fire Dept.  
met from 9.2.71.

Wishes to keep present at  
Annual physical. Denies drinking  
since last visit. Wants to do more  
time to community activities -  
Stays away from family,  
keeps too much, denies illness.  
Agrees - R.R. relieved

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first,  
middle; grade, date; hospital or medical facility)

REGISTER NO.

WARD NO.

Dark Audrey

DOCTOR'S PROGRESS  
Standard 1  
410



CLINICAL RECORD

CONSULTATION SHEET

REQUEST

TO:

*Orthopedic*

FROM: (Requesting ward, unit, or activity)

*M.H.C.*

DATE OF REQUEST

*5/5/71*

REASON FOR REQUEST (Complaints and findings)

*Muscle spasm & pain in Left Shoulder  
1 week duration -*

*No improvement to analgesics  
Exhaustive Disposition*

PROVISIONAL DIAGNOSIS

*N-P.*

DOCTOR'S SIGNATURE

*[Signature]*

APPROVED

PLACE OF CONSULTATION

☐ BEDSIDE

☐ ON CALL

☐ EMERGENCY

☒ ROUTINE

CONSULTATION REPORT

*Veteran complains of pain in  
left shoulder and soreness in r. posterior  
neck. There is no radiation of pain to the  
upper extremity. Duration 1 week  
No history of injury*

Examination:

*No swelling Local tenderness on  
no deformity ant surface of the  
Mobility not restricted head of humerus  
Cervical spine - on extension pain is  
elicited at posterior surface of the  
neck radiating toward the l. shoulder  
Flexion unrestricted.  
R. lateral rotation & lateral flexion  
elicit pain in l. side of neck L. shoulder  
Lay corv. spine*

(Continued on reverse side)

SIGNATURE AND TITLE

*[Signature]*

DATE

*5/5/71*

IDENTIFICATION NO.

ORGANIZATION

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)

REGISTER NO.

WARD NO.

CONSULTATION SHEET  
Standard Form

DOCTOR'S PROGRESS NOTES  
(Sign all notes)

8/2/70  
160/98  
Pt. still actively ill, but  
will expect to much improve  
worse like to fall rest. R. room  
Medical Information

8/3/70  
Pt. Dr. has been told that  
must stay at the Clinic  
at present - he is still in  
distress and the reason  
all of that - he is printing  
books and has been work  
for medical history

8/11/70 no change -  
He was ill, but work for  
weeks - Info Group  
Vet. was ill from Aug 11, 1970 to  
Aug. 21, 1970 + much to work.  
Under

1.14.71  
His girlfriend came in for Rx.  
Pt. file - has asthma - got upset at work  
about what he considers racial discrimi-  
nation. Asked to come in  
around 11:00. Rx received 2 weeks

5/3/71  
Personnel report - R. room





NAME (LAST) (FIRST) (MIDDLE)			ROOM	RATE	ADM. DATE	DISC. DATE	HIP GROUP NO		HOSPITAL NO.	
DASH, ANDRE			312	\$60	10/19/70	10-20-70	1-04		13508 154	
AD. (STREET) (CITY) (STATE) (ZIP)			PHONE		SERVICE		SOC. SEC. NO.			
59 KENT AVE., BKLYN., NY.			622- 5323		ORTHO					
BIRTH DATE	AGE	SEX	RACE	MARITAL STATUS		RELIGION	BIRTH PLACE	HOW LONG IN STATE	CITY	FIN. CODE
9/10/24	46	M F	B W O A	S M W D SEP		CATH	NYC			HAXD
PROVISIONAL DIAGNOSIS								ATTENDING PHYSICIAN		
BENNETT FRACTURE OF THE RIGHT THUMB								DR. KING		
ADMISSION STATUS			MODE OF ARRIVAL		TIME	ACCOMPANIED BY		FAMILY PHYSICIAN		
<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> EMERGENCY <input type="checkbox"/> URGENT			THROUGH ATTENDING		12:15PM			DR. FLEISHER		
NEXT OF KIN			RELATIONSHIP		ADDRESS		PHONE			
MARY			WIFE		SAME		SAME			
RELATIVE'S EMPLOYER'S NAME			OCCUPATION		ADDRESS		PHONE			
PATIENT'S OCCUPATION			EMPLOYER		EMPLOYER'S ADDRESS		PHONE			
NYC FD										
FATHER'S NAME			BIRTHPLACE		MOTHER'S MAIDEN NAME		BIRTHPLACE			
NATHANIEL			R.I.		MOORE		NYC			
TOR			RELATIONSHIP		ADDRESS		HOME PHONE		BUSINESS PHONE	
F. STATUS			AHS CERT. OR GROUP NO.		SUFFIX		EFFECTIVE DATE		CONTRACT HOLDER	
AHS			8605454		W		10-4-58		SAME	
MEDICARE NO.		PART B	DEDUCTIBLE		PATIENT HAS BEEN HOSPITALIZED WITHIN LAST 60 DAYS		NAME OF HOSPITAL		FROM DATES TO	
					<input type="checkbox"/> YES <input type="checkbox"/> NO					
MEDICAID PREFIX		NUMBER		HIP# SAME AS BC#		EVER ADMITTED HERE BEFORE?		PRIOR DATE		
						<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
COMMERCIAL INS.			POLICY NO.		POLICY HOLDER		ADDRESS		<input type="checkbox"/> IND. <input type="checkbox"/> GRP.	
FROM WHOM			SPECIFY BLOOD BANK		ADMITTING CLERK					
<input type="checkbox"/> NO <input type="checkbox"/> RED CROSS <input type="checkbox"/> OTHER					RMZ					
HUSBAND'S BIRTH DATE			AGE	RACE	BIRTH PLACE		NO. DEPENDENTS			

FINAL DIAGNOSIS

CODE NO.

Bennet Fr RL  
1st metacarpal

816 D  
E968

ASSOCIATED CONDITIONS

AND/OR COMPLICATIONS

OPERATIONS

OF STAY TRANSFERRED EXPIRED AUTOPSY M.E. IMPROVED

☐ ☐ ☐ ☐ ☐ ☐

ATTENDING PHYSICIAN'S SIGNATURE

EXHIBIT NO. 12 (12 pages)



## HOSPITAL DISCHARGE SUMMARY

155

PATIENTS NAME	Andre Dash	HOSPITAL NO.	135 <sup>08</sup> <sub>08</sub>
PHYSICIAN:	Dr. Fleisher	Dr. King	ADMIT. DATE 10-19-70
ADMITTING DIAGNOSIS:			DISCH. DATE 10-26-70

Bennett fracture of the right thumb

## DISCHARGE DIAGNOSIS:

Bennett fracture of the right thumb

This 46 year old man was admitted on 10-19-70 with a history of hurting his right thumb in a fight two weeks ago.

At the time of admission, the physical examination was normal. X-ray of chest, urinalysis, CBC was normal. X-ray of the right hand showed Bennett's fracture of the right thumb.

Patient was taken to the Operating Room on 10-20-70 and internal fixation of the Bennett fracture of the right thumb was done.

Post operative course was uneventful and he was discharged on 10-26-70 to be followed by Dr. King.

*Daniel W. King*  
.....MD  
Daniel King, M.D.

Hasan:hsu

DATE dictated: 10-27-70  
DATE TYPED: 10-30-70

(PAGE \_\_\_\_ OF \_\_\_\_)

INPATIENT CHART

NAME (LAST) <b>DASH,</b>		(FIRST) <b>ANDRE</b>		(MIDDLE)	ROOM <b>312</b>	RATE <b>\$60</b>	AD.M. DATE <b>10/19/70</b>	DISC. DATE	H I P GROUP NO. <b>1-04</b>	HOSPITAL NO. <b>13508</b>	
ADD. (STREET) <b>59 KENT AVE.,</b>		(CITY) <b>BKLYN.,</b>		(STATE) <b>NY.</b>	(ZIP) <b>622- 5323</b>	PHONE		SERVICE <b>ORTHO</b>	SOC. SEC. NO.		
DATE <b>9/10/74</b>	AGE <b>46</b>	SEX <b>M</b>	RACE <b>B</b>	MARITAL STATUS <b>W O A</b>		RELIGION <b>CATH</b>		BIRTH PLACE <b>NYC</b>	HOW LONG IN STATE	CITY	
FIN. CODE <b>HAXD</b>											

ORDER OF RECORDING

1. CHIEF COMPLAINT

2. HISTORY OF PRESENT ILLNESS

3. HISTORY OF PAST ILLNESS  
A. CHILDHOOD  
B. ADULT  
C. OPERATIONS  
D. INJURIES

4. FAMILY HISTORY

5. SYSTEMIC REVIEW  
A. GENERAL  
B. SKIN  
C. HEAD, EYES, EARS  
D. NOSE, THROAT  
E. MOUTH  
F. RESPIRATORY  
G. CARDIOVASCULAR  
H. GASTRO-INTESTINAL  
I. GENITO-URINARY  
J. GYNECOLOGICAL  
K. LOCOMOTOR  
L. NEUROPSYCHIATRIC

6. SOCIAL HISTORY

7. SIGNATURE

lung. Rt. thumb - 2nd

while in a fight Patient hurt his Rt  
thumb. And got lacerated on Rt  
thumb. ~~with finger~~ closed reduction  
in ER failed now he has been  
admitted for open reduction.

No injury of adjacent thumb  
distal chest distal.

No allergy

Kunig HA



NAME (LAST) <b>DASH,</b>		(FIRST) <b>ANDRE</b>		(MIDDLE)	ROOM <b>312</b>	RATE <b>\$60</b>	ADM. DATE <b>10/19/70</b>	DISC. DATE	H I P GROUP NO. <b>1-04</b>	HOSPITAL NO. <b>13509</b>	
ADDRESS (STREET) <b>359 KENT AVE.,</b>			(CITY) <b>BKLYN.,</b>		(STATE) <b>NY.</b>	(ZIP) <b>622- 5323</b>	PHONE	SERVICE <b>ORTHO</b>	SOC. SEC. NO.		
DATE <b>5/10/24</b>	AGE <b>46</b>	SEX <b>M</b>	RACE <b>B</b>	W	O	A	MARITAL STATUS <b>S</b>	M	W	D	SEP
		RELIGION <b>CATH</b>		BIRTH PLACE <b>NYC</b>		HOW LONG IN STATE		CITY	FIN. CODE <b>HAXD</b>		

## ORDER OF RECORDING

- |            |          |           |               |                   |                  |               |
|------------|----------|-----------|---------------|-------------------|------------------|---------------|
| 1. GENERAL | 4. EARS  | 7. THROAT | 10. HEART     | 13. LYMPHATIC*    | 16. EXTREMITIES  | 19. VAGINAL   |
| 2. SKIN    | 5. NOSE  | 8. NECK   | 11. ABDOMEN   | 14. BLOOD VESSELS | 17. NEUROLOGICAL | 20. SIGNATURE |
| 3. EYES    | 6. MOUTH | 9. CHEST  | 12. GENITALIA | 15. LOCOMOTOR     | 18. RECTAL       |               |

*GPE, 39 year old man - good*

*state of health.*

*Chest  
Heart  
Abdomen / normal*

*Head ENT normal*

*RT Hand. Dose Small under  
all muscles rest-leg.*

*Redax coffee*

*Denial R + RT  
Hand -  
HA*

NAME (LAST) <b>NASH, ANDRE</b>		(FIRST)		(MIDDLE)		ROOM <b>312</b>	RATE <b>\$60</b>	ADM. DATE <b>10/19/70</b>	DISC. DATE	H I P GROUP NO. <b>1-04</b>	HOSPITAL NO. <b>13503</b>
STREET <b>KENT AVE.,</b>		(CITY) <b>BKLYN.,</b>		(STATE) <b>NY.</b>		(ZIP) <b>11222</b>		PHONE <b>5323</b>		SERVICE <b>ORTHO</b>	SOC. SEC. NO.
DATE <b>9/10/74</b>	AGE <b>46</b>	SEX <b>M</b>	RACE <b>B</b>	MARITAL STATUS <b>W O A</b>		RELIGION <b>CATH</b>		BIRTH PLACE <b>NYC</b>	HOW LONG IN STATE	CITY	FIN. CODE <b>HAXD</b>

RESUME OF:

1. HISTORY
2. PHYSICAL EXAMINATION
3. PERTINENT LABORATORY FINDINGS
4. PERTINENT X-RAY FINDINGS
5. MEDICATIONS
6. PROGRESS, OUTCOME
7. FINAL DIAGNOSIS

10/19/70 *From the city*  
*History & physical visit*  
*General anesthesia for Rt*

10/19/70 *Admission Note*

39 year old man sent in Rt  
 thumb - in left and get dinner  
 Ex Rt thumb - closed reduction in ER  
 ruled out from here admitted to

*open reduction*

*Kelly*

10/20/70 *22 abs*

*Under general anesthesia thumb*  
*bariatric Rt thumb was done*

10/21/70 *Afraid of anesthesia*  
*moderate swelling of thumb*

PROGRESS



NAME (LAST)	(FIRST)	(MIDDLE)	ROOM	RATE
Dash				
ADDRESS (STREET)	(CITY)	(STATE)	(ZIP)	
BIRTH	AGE	SEX	RACE	MARITAL STATUS
		M F	B W O A	S M W D SEP.

NO 26 70

159

CASH ANDRE  
M 46 312  
KING CRTH  
HAYD 13508

10/23/20

patient afebrile Comfortable  
No Problems

H

6/24/20

patient Comfortable

H

10/24/20

Admission note

46 year old man hurt his RT Thigh  
in a fight x Ray Throm Blemish 3x  
Physical Exam normal  
He is admitted for int. fx cath.

Long H

RA note

Under general anesthesia intifixation  
of Rt femur's fx was done by down  
retifactory position

H

NAME (LAST) (FIRST) (MIDDLE)		ROOM	RATE	ADM. DATE	DISC. DATE	H I P GROUP NO.	HOSPITAL NO.
DASH, ANORE		312	\$60	10/19/70		1-04	13503
ADDRESS (STREET) (CITY) (STATE) (ZIP)		PHONE		SERVICE		SOC. SEC. NO.	
KENT AVE., BKLYN., NY.		622- 5323		ORTHO			
THD.	AGE	SEX	RACE	MARITAL STATUS	RELIGION	BIRTH PLACE	HOW LONG IN STATE CITY
9/24	46	M F	B W O A	S M W D SEP	CATH	NYC	FIN. CODE HAXD

10/26/70 Patient being discharged  
to be followed by Dr. King  
H



# OPERATIVE REPORT

161

NAME: DASH, ANDRE

AGE: HOSP. NO.: 13508 ROOM NO.

DATE OF  
OPERATION:

PRE-OPERATIVE DIAGNOSIS:

Bennett Fracture of first metacarpal right hand

POST-OPERATIVE DIAGNOSIS:

Same

SURGEON: D.King, M. D.

ASSISTANTS:

ANESTHESIOLOGIST: General

OPERATION: Internal fixation of right thumb

OPERATIVE FINDINGS:

## OPERATIVE PROCEDURE:

After sterile prep and drape a skin incision was made over the lateral aspect of the shaft of the first metacarpal and extended through the skin and subcutaneous tissue and the muscles retracted and the fracture site was exposed subperiosteally. By traction and manipulation, the fracture was reduced. Reduction was maintained by drilling two threaded Kirschner wires from the distal fragment into the proximal fragment to maintain the reduction.

Closure subcutaneously with 00 chromic catgut and 00 plain catgut and closure of the skin with 00 nylon.

The Kirschner wires were then cut leaving approximately one-half inch of the wire projecting above the skin.

A short arm cast was then applied.

The patient left the Operating Room in good condition.

Wound Expectancy: Clean

DK:gg  
11 30 70

*Daniel W King*

M.D.

8

<input type="checkbox"/> AMBULATORY <input type="checkbox"/> WHEELCHAIR <input checked="" type="checkbox"/> STRETCHER <input type="checkbox"/> PORT <input type="checkbox"/> O.R.		DATE <u>10/10/70</u> <u>312</u>		LOCATION <u>162</u>				
EXAMINATION REQUESTED: <u>Open Reduction Left Thumb</u> <u>M. R. Lyles 10/20/70</u> <u>Open</u>		ADDRESS <u>M 46 312</u> <u>KING CRTH</u> <u>MAXD 13508</u>						
HISTORY AND CLINICAL INFORMATION: (TO BE FILLED OUT BY PHYSICIAN)		FILMS USED						
		4X5	5X7	8X10	10X12	11X14	13X17	14X17
REQUESTED BY <u>Dr. King</u> M.D.		OCCLUSALS   DATE   TECH.   INDEX		CHARGE ►   AMOUNT				
PREPARED BY		DATE		CHARGE ►   AMOUNT				
REPORT								

DASH, ANDREW

7814

THUMB - Examination shows a fracture of the first metacarpal bone. Two metallic pins are inserted through the base of the metacarpal. Fragments are in good position.

10-21-70 ct

D. BRENNER, M.D. / P. STRAUB, M.D.

RADIOLOGIST

**X-RAY REPORT**  
CHART COPY

FD-301



NAME DASH, ANDRE DATE 10/19/70 CODE I3508 163

ADDRESS RM 312

TEL. NO. \_\_\_\_\_ OCCUPATION \_\_\_\_\_

AGE 46 SEX M HT. \_\_\_\_\_ WT. \_\_\_\_\_ B.P. \_\_\_\_\_

PHYSICIAN \_\_\_\_\_

HISTORY BENNETT FX. OF RIGHT THUMB

DIGITALIS \_\_\_\_\_ QUINIDINE \_\_\_\_\_ OTHER \_\_\_\_\_ PAT. POS. RECUMBENT

AURIC. RATE \_\_\_\_\_ P WAVES \_\_\_\_\_ Q-T INT. \_\_\_\_\_

VENT. RATE 89 P-R INT. .16 S-T SEG. \_\_\_\_\_

RHYTHM \_\_\_\_\_ Q-R-S INT. .05 T WAVES \_\_\_\_\_

FINDINGS: \_\_\_\_\_

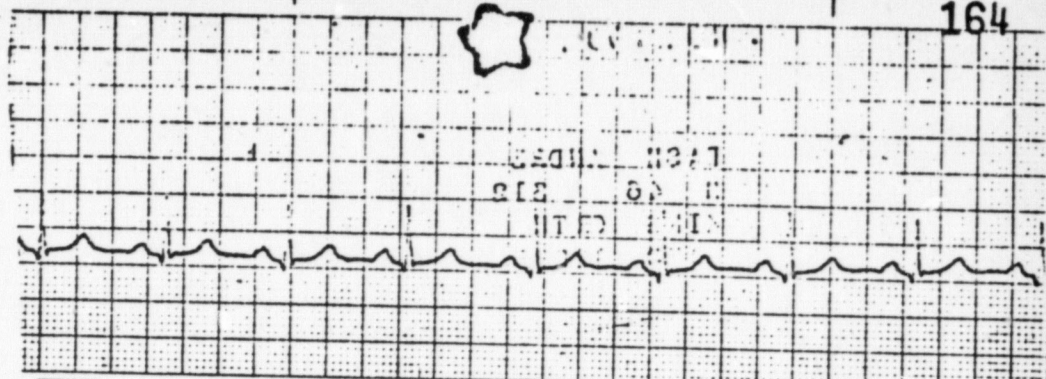
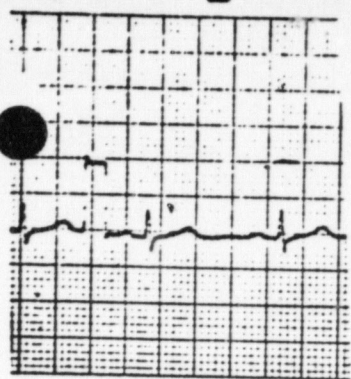
REGULAR SINUS RHYTHM

THE Q WAVES IN III AND AVF MAY BE DUE TO AN OLD INFERIOR INFARCTION ,  
OR TO THE ELECTRICAL POSITION OF THE HEART

OTHERWISE THE ELECTROCARDIOGRAPHIC CHANGES MAY BE ABNORMAL

REMARKS: DR. JAMPOL/APIADO  
S. JACOBS TECH

10 23 70  
DASH ANDRE  
M 46  
KING CATH  
HAXD 13508



HEWLETT • PACKARD

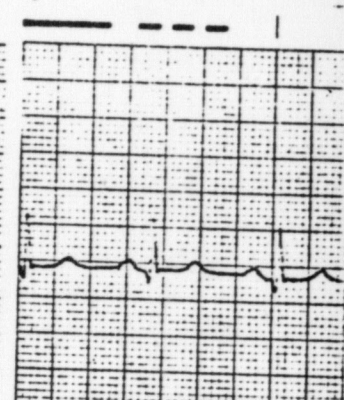
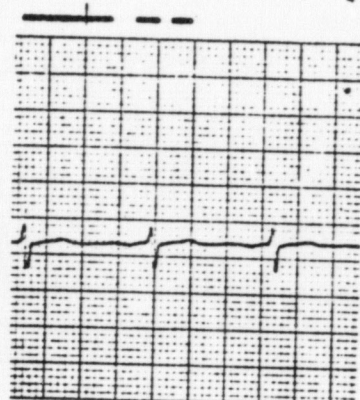
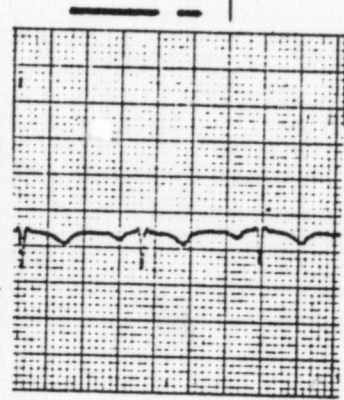
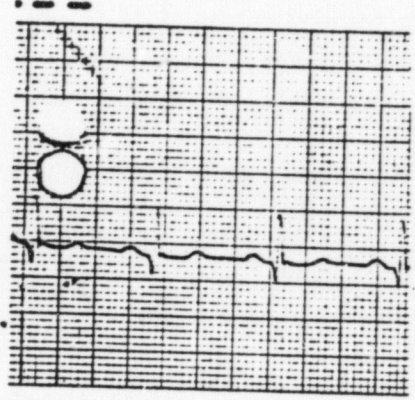
MEDICAL ELECTRONICS DIVISION

PERMAPAPER NO. 651

aVR

aVL

aVF

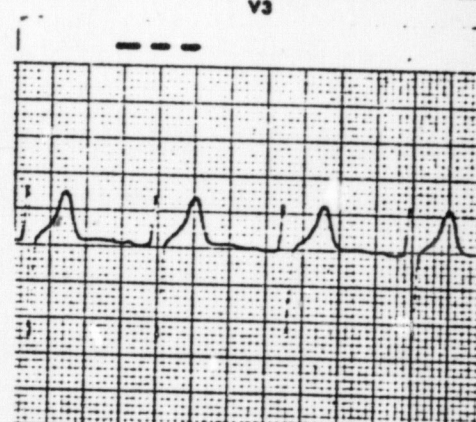
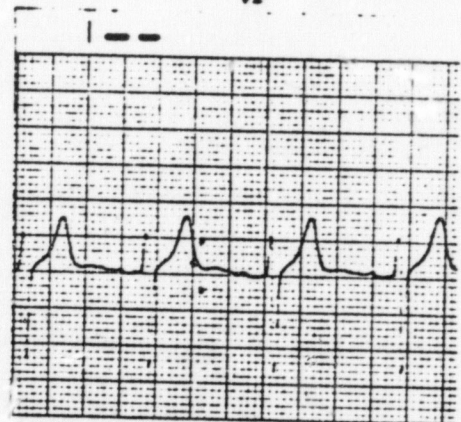
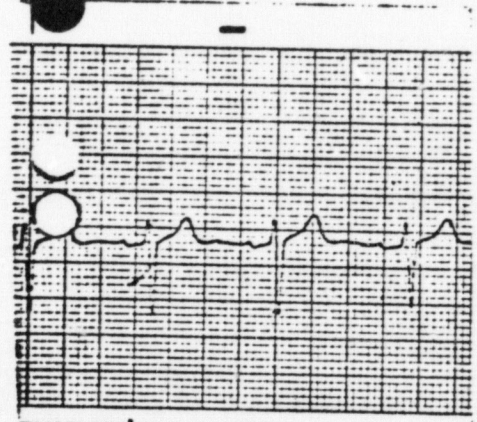


• PACKARD MEDICAL ELECTRIC

V1

V2

V3

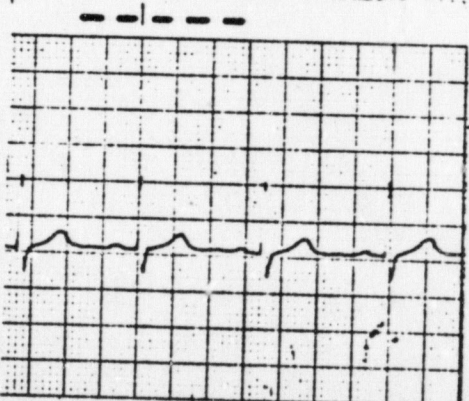
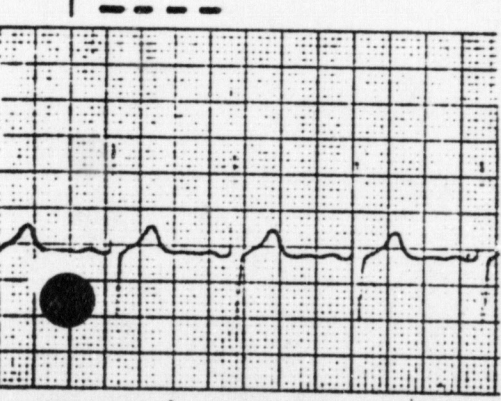


• PACKARD MEDICAL ELECTRONICS DIV

V4

V5

V6



PERMAPAPER NO. 651-40

HEWLETT • PACKARD MEDICAL ELECTRONICS

PERMAPAPER NO. 651-40



# The La Guardia Hospital

HIP HOSPITAL INC.

102-01 66th ROAD • FOREST HILLS, NEW YORK 11375 • (212) 896-2000



165

Field Unit'  
Social Security Admin  
77-14 Roosevelt ave  
Jackson Heights, NY

Date: 9/8/71

RE: Andre, Dash  
Hosp # 13508

Dear Sir:

In accordance with your request enclosed herewith please find a copy of the following:

<input checked="" type="checkbox"/> Face Sheet	<input type="checkbox"/> Pathology Report
<input checked="" type="checkbox"/> Discharge Summary	<input type="checkbox"/> Laboratory Report
<input checked="" type="checkbox"/> History	<input type="checkbox"/> Admission Note
<input checked="" type="checkbox"/> Physical Examination	<input type="checkbox"/> Doctors Orders
<input checked="" type="checkbox"/> Progress Notes	<input type="checkbox"/> Emergency Room Record
<input checked="" type="checkbox"/> X-Rays Report	<input type="checkbox"/> Hospital Bill
<input checked="" type="checkbox"/> EKG Tracings	<input type="checkbox"/> Hospital Certification
<input type="checkbox"/> EEG Report	<input type="checkbox"/> U.R.
<input type="checkbox"/> Consultation	
<input checked="" type="checkbox"/> Operative Report	

We trust that this information will be of assistance to you.

Very Truly Yours,

*Nema Olszewski*  
Mrs Nema Olszewski/ART  
Medical Records Librarian

NO/mn

6/71

12

• YOUR MEDICAL GROUP IS:

BEDFORD-WILLIAMSBURG MEDICAL GROUP  
 1143 DEKALB AVENUE  
 BROOKLYN NY 11221 TEL. 443-7300

FILL IN AFTER JOINING YOUR MEDICAL GROUP

My group family physician is: *Dr. Loins*

His address: \_\_\_\_\_ Tel. \_\_\_\_\_

H.I.P. IDENTIFICATION CARD

HIP NUMBER	DATE
001605454	07/17/54
ANDRE DASH - 48273 959 KENT AVE BKLYN NY 11205	2F057 Employer Group Cont. FAMILY 03 0902
0110924 MARY - 48272 RINALDU 0331259	



HEALTH INSURANCE PLAN  
OF GREATER NEW YORK

## PROGRESS SHEET

IDENTIFICATION DATA

167

008605457

PRINT PATIENT'S NAME (Last, first, middle)

Andre Dash

SEX

M ☐F ☐

(Circle)

DIV.

S M W SEP.

BIRTH DATA

01/10/24

DATE

46 y/o of desues physical examination - returning from  
fire department & anxiety neurosisLab test ordered  
etc for complete physical

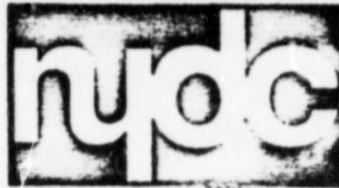
W.H. G.

11/1

- Advise on how to obtain records & have them sent  
to our big group

W.H. G.

STATE OF NEW YORK  
BUREAU OF  
DISABILITY DETERMINATIONS  
71 NOV 24 AM 9:24  
CELESTINE OF SOCIAL SERVICES



168

new YORK  
diagnostic  
center  
THE WAY STONE TO GOOD HEALTH

HOTEL NEW YORKER EIGHTH AVENUE AT 34th STREET • NEW YORK, N. Y. 10001 • (212) 239-6580

# CONFIDENTIAL

We hope that you found your visit to the New York Diagnostic Center a pleasant and rewarding experience.

This Comprehensive Medical Report should be preserved for future reference.

The medical staff of the New York Diagnostic Center will cooperate with you or your physician in the interest of your continued good health.

We look forward to seeing you at your next annual comprehensive physical examination.

Sincerely,

Arthur S. Bookbinder  
Director of Health Services  
New York Diagnostic Center

114 (4 pages)



NAME: Dash, AndeDATE OF  
EXAMINATION: July 17, 1971YOUR COMPREHENSIVE PHYSICAL EXAMINATION INCLUDED THE FOLLOWING:

## 1) Medical History

2) Physical Examination:

General Appearance  
 Skin  
 Eyes  
 Lymph Nodes  
 Ears  
 Lungs  
 Abdomen  
 (Female) Internal Reproductive Organs  
 Nose and Throat

Neck  
 Chest  
 Breasts  
 Cardiovascular  
 Genitalia  
 Rectum  
 Neurological  
 Tonometry

## 3) X-ray of Chest

## 4) Electrocardiogram\*

## 5) Proctosigmoidoscopy\*

## 6) Pulmonary Function Studies

## 7) Visual Acuity

LABORATORY STUDIES:A) Hematology~~XXXXXXXXXX~~~~XXXXXXXXXX~~~~XXXXXXXXXX~~~~XXXXXXXXXX~~~~XXXXXXXXXX~~~~XXXXXXXXXXXXXXXXXXXX~~B) Urinalysis

sugar

albumin =

C) Blood Chemistries

Calcium

Inorganic Phosphorus

Glucose

Uric Acid

Cholesterol

Total Protein

Bilirubin Total

Alkaline Phosphatase

Lactic Dehydrogenase

SGOT

Urea Nitrogen

Albumin

## D) Total Lipids

## E) Serology

## F) Stool for Occult Blood

## G) Pap Smear (vaginal and cervical) (Female)

\*Numbers 4 and 5 are performed only at the request of the examining physician on patients under 35 years of age.

Unless otherwise indicated, all of the above studies are within normal limits. The above detailed information is available to your physician upon written request and your signed release.

Dash, Ande  
Examination date; July 17, 1971

2-

SPECIAL EXAMINATIONS:

170

T - 3 - 25.4

T - 4 - 4.3

Trans (SGP) - 13 units

Thymol Turbidity - 3.3 units

Bilirubin (D) - 0.3mg%

Cephalin Flocculation. - 1+

ABNORMAL FINDINGS:

1. Hepatomegaly ( enlarged liver) probably secondary to early cirrhosis ( liver function tests normal.
2. Normal thyroid function.

RECOMMENDATIONS:

1. We recommend that you have a complete blood count.
2. We recommend that you discontinue taking alcohol.
3. We recommend that you have a yearly physical examination.

ASB/jj

*Arthur S. Booklander*



142 CLINTON STREET • BROOKLYN, N. Y. 11201 • ULSTER 5-1666

June 23, 1972

Bureau of Disability Determinations  
110 William Street  
New York, N.Y. 10038

Re: Andrew Dash

959 Kent Ave.  
Brooklyn, N.Y. 11205

089-12-9492

## Medical and Family History

The claimant is a 47 year old, black, Catholic, separated father of four children who first had serious psychiatric difficulty while in the Army in 1951. At that time he suffered with attacks of hyperventilation and a dermatitis which appears to have been psychogenic. He left the Army and worked several jobs until 1958 when he became a fireman. He describes himself as being able to cope with the physical dangers of the Fire Department but unable to cope with the racial attitudes of the Department which led to anxiety. He was on sick leave, for anxiety, from October, 1970 to September, 1971 when he was retired. He was seen by a private psychiatrist, Dr. Pinney, at the request of the Fire Department, who advised retirement. He was not retired at his request but at the convenience of the Department.

He has been attending the Ryerson St. V.A. hospital since he was discharged from the service. He now attends every two to three months and takes Elavil and Trilafon daily. Past medical history includes hepatomegaly since 1957 and hypertension. He denies drinking heavily. Physical complaints consist of chest pain, which he states has been diagnosed as gas, bloating of the stomach, headache and tingling of his fingers.

He was born and raised in Brooklyn, the third of ten children. His mother is living and his father deceased. He denied mental illness in his family. He completed two years of college. He married in 1943 and went into the service from 1942 to 1945. He separated from his wife in 1945 and does not see his family.

## Mental Status:

The claimant came to the office via car and has trouble using subways since he feels weak and is fearful he will fall on the tracks.

Exhibit No. 15 (2 pages)

He was noted to be neatly dressed, appeared his stated age and made good contact. He was articulate, spoke with pressured speech and was logical and coherent with no evidence of loosening of associations. Psychomotor activity was normal.

**Thought Content:**

He is most concerned with the injustices done to himself and other blacks because of their race. He feels that blacks are more alienated today than ever before.

He denied paranoid ideation although paranoid trends were evident in his thinking. He is litigious and has written letters to his congressman, etc. to protest injustice.

He suffers with anxiety attacks which result in palpitations, sweating and shortness of breath and are brought on by stress. It is relieved by taking his medication which acts in a matter of minutes and reflects a hysterical quality.

He admits to infrequent mild depression which results in feelings of disgust rather than life not being worthwhile. He denied hallucinations at any time. His mood was neutral, his affect was mildly anxious. He is phobic for height.

His sensorium was clear, he was oriented in all spheres, memory was intact, intelligence was above average, the presidents were named back to Truman, serial sevens were adequately subtracted. Proverbs were adequately abstracted. Insight was good and judgement preserved.

**Impression: Anxiety neurosis - chronic**

Daily activities consist of writing letters to congressman and radio stations expressing his views on social issues. Rehabilitative efforts should be directed toward a vocational rehabilitation program. His prognosis is guarded and he can care for any benefits granted.

Thank you for referring this case.

*Austin Moore*  
Austin Moore, M.D.



1. Physician's Name MOORE AUSTIN 173  
(Last) (First) (Middle)

2. Address 142 Clinton Street  
Brooklyn, New York 11201

3. Year of Birth (B): 1903

4. Medical Education (ME): State: Washington  
School: Howard University College of Medicine, Wash.  
Year of Degree: 1959

5. Year of License (L): 1961

6. American Specialty Boards (AB):  
American Board of Psychiatry & Neurology

7. Medical Specialties: General Practice

8. Type of Practice (TOP): Full time staff in hospital service

9. National Scientific Medical Societies (SS):  
American Psychiatric Associations

10. Professorial Appointments (PA): State: \_\_\_\_\_  
School: \_\_\_\_\_  
Title & Current Status: \_\_\_\_\_

11. Other Information (e.g., Hospital Appointments): \_\_\_\_\_

12. Sources of Information: American Medical Directory  
Year: 1967 Edition: 24 Page: 2414

Other Sources: \_\_\_\_\_

-1-

Department of Health, Education & Welfare  
 Social Security Administration  
 Baltimore, Maryland 21241

Ref: 089-12-9492

Gentlemen:

Evidence, age, education, training and work experience. You are claiming I am able to work or persue, this type of work when I have and disclosed the fact that I was retired on a disabilities from the N.Y.C. Fire Department as a fire fighter for medical reasons such as Anxiety Neurosis. I am turned down, liver alimnt & thyroid condition, although some of your staff said I shouldn't report the condition when applying for a job.

Gainful employment? what is meant by gainful work. A professional for example a doctor or any other career people who earn and live above average and has certain financial committments at the time of a disability which prohibits him or her from working and you saying they can work as a porter, dishwasher or shine shoes at the lowest pay. Scale and be gainfully working.

Quit Ambiguous what are you trying to say. I never told anyone of being 41 years of age, my records spoke for itself. I was retired for Anxiety Neurosis so what? I didn't later tell you anything. I gave you the facts as they were requested, about liver alimnt and excessive heat. Excelsior Plus severe Hrypertension (example 168/120) being a reading of Leftsid Apex. Working as a firefighter was no secret.

Examination at Government Expense I never got a thorough examination from you people, I went to a room and spoke to a psychiatrist who asked me routine questions for about 15 minutes and you made no mention of what I told him my difficulty was as far as far as the anxiety is concerned. Such as racism, Biao, Bigatry, and in american activity and community, drug addiction and deteration of our country and city and our moral break downs. I never mentioned about fear of height. I spoke of when I have Anxiety attacks, I don't go in subways and go near windows in

con't--



high structure because I get the urge to jump, while working at high areas I am too busy working to get up and down to some a life and do my job.

I welcome a total example so you can get your own clinical findings.

Ambiguous answers. I have a physical and mental incapacitate to be gainfully employed. You should check with the Labor Department or job availability in New York City. I pay for this insurance along with my employer since 1939 and I have worked all my life. I don't intend to go on Welfare now. If the social security is inadequate to deal with Disability form of insurance then there should be laws changed to cope with facts of our society which in itself has caused many of crippling results upon its many citizens physically and mentally.

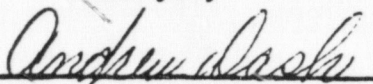
Most black and minority will not benefit under old age retirement but will have to pay for it.

But they do break down and need disability because of the type of work they do.---general---condition and eating and health habits and in general---genetic--- which was impaired 400 years ago in this country---black families who cross breed have more of a chance of longevity and retirement under social security.

No it doesn't satisfactorily explain.

And I am this dates requesting a hearing to appear in person with my doctors and lawyers and stenographer.

Thank you,



Mr. Andrew Dash  
089-12-9492

AD:ms

**SOCIAL SECURITY ADMINISTRATION  
BUREAU OF HEARINGS AND APPEALS  
P.O. BOX 2518  
WASHINGTON, D.C. 20013**

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RESUME OF EXPERIENCE AND BACKGROUND

OCTOBER 9, 1970  
Date

Please print or type all entries. Attach extra sheets as needed. Submit in duplicate

HOME PHONE: 914 616-7663  
(Area Code)

Social Security NO. 35-24-2050

OFFICE PHONE: 201 OR 2-5800

1. NAME BIERMAN ARTHUR 1 Date of Birth 2/9/31  
Last First Middle

2. MAILING ADDRESS 23 EASTBOURNE DRIVE  
SPRING VALLEY, NEW YORK 10977  
(Zip)

PRESENT EMPLOYMENT

Present Employer OCCUPATIONAL CENTER Date of  
Institution or Firm OF ESSEX COUNTY, INC First Employment  
In This Position 4/58

Your Position or Title EXECUTIVE DIRECTOR No. of Hours  
Worked Per Wk. 30

Description of Your Duties CHIEF ADMINISTRATOR AND SUPERVISOR  
WITH THE RESPONSIBILITY OF A PROFESSIONAL PERSON  
OF VOCATIONAL COUNSELING, VOCATIONAL EVALUATION,  
ADJUSTMENT TRAINING AND PLACEMENT OF THE HANDICAPPED

PREVIOUS EXPERIENCE -- Begin with your earliest employment in psychological area and continue chronologically. Do not include minor positions. Use additional sheets if necessary.

	<u>Position or Title</u>	<u>Employed From</u>	<u>To</u>	<u>Institution or Firm</u>
<u>THIRTEEN FULL</u> <u>RESUME</u>	(a) <u>DIRECTOR OF VOC. REHAB.</u>	<u>1956</u>	<u>1958</u>	<u>UNITED CINCINNATI HOSP</u> <u>OF QUEENS.</u>
Duties	<u>TOTAL ADMINISTRATION</u>			
	(b) <u>ASSISTANT PROFESSOR</u>	<u>1960</u>	<u>1961</u>	<u>STEN HALL UNIVERSITY</u> <u>GRADUATE SCHOOL OF ED</u>
Duties	<u>TEACHING &amp; CONSULTING</u>			
	(c) _____	_____	_____	_____
Duties	_____	_____	_____	_____

Exhibit No. 126 (copy)



## Undergraduate

BROOKLYN COLLEGE  
Institution

B.A.  
Degree

1953  
Date of  
Degree

EDUCATION  
Major Subject

## b) Graduate

Institution	Dates of Attendance	Degree	Major Field	Graduated	
				Yes	No
<u>NEW YORK UNIVERSITY</u>	<u>1953-1954</u>	<u>M.A.</u>	<u>Psy. Coun.</u>	<u>✓</u>	
<u>NEW YORK UNIVERSITY</u>	<u>1955-1960</u>	<u>-</u>	<u>Psy. Rehab. Counseling</u>		
	<u>(GO GRAD CREATS IN FIELD)</u>				

## PUBLICATIONS

List publications with journal references.

SHELTERED & COOPERATIVE PLANNING FOR THE MR AS A GUIDE TO INDEPENDENT LIVING,  
CATHOLIC UNIVERSITY OF AMERICA PRESS, 1966.  
"A COOPERATIVE VOCATIONAL PATTERN FOR IN-SCHOOL MR YOUTH,"  
MR REPORT RD-1189 U.S. D. OF HEW-USA.

## PROFESSIONAL RECOGNITION

Professional and honorary organizations, awards, special honors.  
No license or certificate, etc.

STATE OF N.Y. BOARD OF PSYCHOLOGICAL EXAMINERS - LICENSED  
PSYCHOLOGIST 2/6/69 LIC #661

STATE OF N.Y. EDUCATION DEPT PERMANENT CERT IN GUIDANCE No. 635-24215

STATE OF N.Y. DEPT OF EDUCATION COUNSELOR CERTIFICATE 3/4/66

STATE OF N.Y. DEPT OF EDUCATION CERT IN MARITAL, FAMILY AND CHILD COUNSELING - License #915

DEPT OF PROFESSIONAL & VOCATIONAL STANDARDS. SPECIALIST.

CONSULTATIVE ACTIVITIES (PAST OR PRESENT)

SEE ATTACHED

*Stephen B. Berman*

Arne Drive  
Valley, New York  
(Office)

391 Lakeside Avenue  
Orange, New Jersey 07050  
(Office)

178

## EDUCATION

- 1953 B.A. in Education, Brooklyn College
- 1954 M.A. in Vocational Guidance, New York University
- 1955-1960, Graduate Study in Vocational Rehabilitation Counseling,  
New York University

## AWARDS

- 1955 Recipient of two traineeship grants in Vocational Rehabilitation,  
United States Department of Health, Education and Welfare, Office  
of Vocational Rehabilitation (\$1600, \$2400).

## EXPERIENCE

### Clinical Practice:

Institute for the Crippled and Disabled, New York City,  
supervised by Dr. W. Usdane

- 2. New York State Division of Vocational Rehabilitation,  
supervised by Dr. S. Warren

Practicum - Institute for Physical Medicine and Rehabilitation,  
New York City, Dr. M. McCavitt

- 1954 Teacher, New York City Board of Education in Special Classes
- 1955 Guidance, Adjustment and Special School #612 for emotionally  
disturbed children located in Kings County Hospital,  
Psychiatric Building
- 1956 Director of Vocational Rehabilitation, United Cerebral Palsy  
of Queens - responsible for the total administration of a  
vocational program for the adult cerebral palsied; coordinating  
medical, social and vocational programs
- 1958 Executive Director - Occupational Center of Essex County, Inc.,  
a habilitation center and industrial workshop for the severely  
handicapped
- 1960 Assistant Professor in Education - Seton Hall University,  
South Orange, New Jersey
- 1967 (Present) Instructor - Rutgers - The State University,  
Extension Division



3. Application grant for Improvement and Expansion of UCP of Queens, Inc. Approved and funded 1958-59 N.Y.S. D.V.R.
4. Annual Report, 1958, 1959, 1962, 1964, 1965, 1966, Occupational Center of Essex County, Inc.
5. Research and Demonstration Grant Department of Health, Education and Welfare, 1964-1967 - "The Development of a Cooperative Work-Study Program for In-School Mentally Retarded Youth"
6. "Sheltered and Cooperative Program for the Mentally Retarded as a Guide to Independent Living", The New and More Open Outlook for the Mentally Retarded, The Catholic University of America Press, 1966

#### PROFESSIONAL MEMBERSHIP

- American Personnel and Guidance Association
- National Vocational Guidance Association - Professional Member
- American Rehabilitation Counseling Association - Professional Member
- American Psychological Association (Division 17 and Division 22)
- American Association on Mental Deficiency - Fellow
- National Rehabilitation Association
- National Rehabilitation Counseling Association - Professional Member
- New Jersey Rehabilitation Association - Past President
- New Jersey Psychological Association
- National Association of Sheltered Workshops - President, New Jersey Chapter
- New Jersey Personnel and Guidance Association

#### CONSULTATION

- White House Conference in Economic Opportunities for Youth of Essex County - 1960
- Department of HEW, Social Security Administration - Bureau of Hearings and Appeals, Vocational Consultant, 1962 - present
- Office of Economic Opportunity - Community Action Program
- Technical Assistance Specialist - Training and Manpower - present

CERTIFICATION AND LICENSES

State of New Jersey Board of Psychological Examiners - Licensed Practicing Psychologist (2/6/69)

State of New York Education Department Permanent Certificate in Guidance No. 63G24215

State of New Jersey Department of Education Counselor Certificate from State Board of Examiners 3/14/66

State of California Certification in Marriage, Family and Child Counseling, 1966-1967 License No. 945 Department of Professional and Vocational Standards, Sacramento

TRAINING PROGRAMS

Guest lecturer Summer, 1966, Catholic University, Graduate School of Education, Institute on Mental Retardation

Training Specialist - New Jersey Community Action Training Institute, Trenton, New Jersey, 1966 - present





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION

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REFER TO:

BUREAU OF  
HEARINGS AND APPEAL

175 Renssen St. - Rm 1201  
Brooklyn, New York 11201  
April 17, 1973

Mr. Arthur Bierman  
23 Eastbourne Drive  
Spring Valley, New York 10977

089-12-9492

(Social Security Number)

Dear Mr. Bierman,

Andrew Dash has an application pending for social security disability benefits. A hearing on the claim is scheduled for Wednesday the 2nd day of May at 9:30 o'clock in Room 1201 of the Brooklyn, New York 11201 Building, 175 Renssen Street (City) (State) (Number and Street)

You are requested to give testimony as a vocational expert primarily to cover the period October 12, 1970 to May 2, 1973. Your presence throughout the hearing is desired since your testimony will be based, in part, on the testimony given by the claimant and any other witnesses, including a medical advisor if needed.

Enclosed are the exhibits (and a list of these exhibits) tentatively selected for inclusion in the record of this case. Also enclosed is an acknowledgment card for you to complete and sign. Please return the card and exhibits no later than \_\_\_\_\_.

Sincerely yours,

~~XXXXXXXXXXXX~~  
Hearing Examiner  
Administrative Law Judge

Enclosures:

\_\_\_\_\_ exhibits  
List of exhibits  
Addressed return franked envelope  
Form HA-504.1  
cc: Name and address of representative or claimant

Mr. Andrew Dash  
959 Kent Avenue  
Brooklyn, New York 11205

PLEASE SEE REVERSE SIDE FOR  
INFORMATION ON MATTERS UPON  
WHICH YOU WILL BE ASKED TO TESTIFY.

FORM HA-L8  
(8-71)

CLAIM FILE

Exhibit No. 19 (Over)

In order for an individual to be found disabled under the Social Security Act, he must have a medical impairment which prevents him from engaging in any substantial gainful activity. In some cases, medical considerations alone may justify a finding that the claimant is or is not disabled. In other cases, however, it is necessary to determine whether the claimant's impairment in fact results in his being unable to engage in any substantial gainful activity. In these cases a vocational expert may be called upon to testify.

Two basic questions will be presented to you at this hearing. The first question pertains to the kind of work, if any, the claimant is equipped to do in light of his prior work activity and residual functional capacities considering his age, education, training and experience. Your testimony will be predicated on varying assumptions, posed by the hearing examiner, with respect to the claimant's residual functional capacity. You will not be expected to testify as to whether or not the claimant is under a disability since the hearing examiner has the responsibility for deciding this ultimate legal issue. You should not express any opinion regarding the claimant's impairments and their effect on his functional capacity, since these are medical matters.

The second question is whether such work exists in the "national economy," i.e., whether it exists in significant numbers either in the region where the claimant lives or in several other regions of the country. You should be prepared to testify from personal knowledge gained from such sources as local USES offices and vocational surveys of businesses and industries, whether such surveys were made by you or by other vocational experts.

You will be requested to furnish the rationale for your opinions. In this regard, you should be prepared to support your views with occupational resource material, including published studies containing occupational information helpful in determining the extent to which vocational skills can be transferred from one type of work to others. In forming your judgment as to whether or not the claimant was able to transfer his vocational skills to any other types of work, please consider only work which the claimant could have performed after a normal period of training usually given to new employees rather than after extended vocational rehabilitation.

Questions may also be asked of you by the claimant or his representative.





# CUNA MUTUAL INSURANCE SOCIETY

8910 MINERAL POINT ROAD • P.O. BOX 391 • 538-8801 • MADISON, WISCONSIN 53701

183

Name of Patient (Print) <b>ANDRE DASH</b>		Date of Birth <b>9-10-24</b>	
Present Address No. <b>959</b> Street <b>Kent AVE.</b>	City <b>BROOKLYN,</b>	State (or Province) <b>N.Y.</b>	ZIP Code <b>11205</b>
Credit Union Name & Address <b>Municipal Credit Union MUNICIPAL BLDG. NY NY</b>			

## ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY

The patient is responsible for the completion of this form without expense to the Company. Space is available on the reverse side if you wish to amplify your answers.

### 1. HISTORY

(a) When did symptoms first appear or accident happen?

No. 10 Day 19 19 70

(b) Date patient ceased work because of disability.

Mo. 10 Day 19 19 70

(c) Has patient ever had same or similar condition?

Yes ☐ No ☒

If "Yes" state when and describe

### 2. PRESENT CONDITION

(a) Subjective symptoms

**ANXIETY NEUROSIS, ENLARGED LIVER,  
HYPERTENSION**

(b) Objective findings

Include results of current X-rays, E.K.G.s, or any other special tests.

Is patient: .....

Ambulatory? ☐ Bed confined? ☐ House confined? ☐ Hospital confined? ☐

### 3. DIAGNOSIS

### 4. TREATMENT

(a) Date of first visit .....

No. 9 Day 71 19 70

(b) Date of last visit .....

No. 10 Day 15 19 72

(c) Frequency of visits .....

Weekly ☐ Monthly ☒ Other ☐

(d) When did you last examine the patient? .....

No. 11 Day 15 19 72

### 5. PROGRESS

Recovered ☐ Improved ☐ Unimproved ☒ Retrogressed ☐

### 6. EXTENT OF DISABILITY

(a) Is patient now totally disabled?

FOR ANY OCCUPATION

Yes ☒ No ☐

FOR HIS REGULAR OCCUPATION

Yes ☒ No ☐

(b) If no, when was patient able to go to work?

No. 10 Day 19 19 70

(c) If yes, when do you think patient will be able to resume any work?

No. 10 Day 19 19 70

Approximate Date .....  
Indefinite .....  
Never .....

No. 10 Day 19 19 70

(d) If yes, is patient a suitable candidate for a rehabilitation program?

Yes ☐ No ☒

**BEST COPY OBTAINABLE**

### 7. MEDICAL CONDITION

Is the patient competent to endorse checks and direct the use of the proceeds thereof?

Yes ☒ No ☐

Exhibit No. 20 (5 pages)

Complete appropriate section. If disability is due to CARDIAC CONDITION or VISUAL IMPAIRMENT.

## 8. CARDIAC

(a) Functional capacity (American Heart Ass'n.) ...

Class 1 (No limitation) ☐  
 Class 3 (Marked limitation) ☐

Class 2 (Slight limitation) ☐  
 Class 4 (Complete limitation) ☐

(b) Blood pressure 100/90

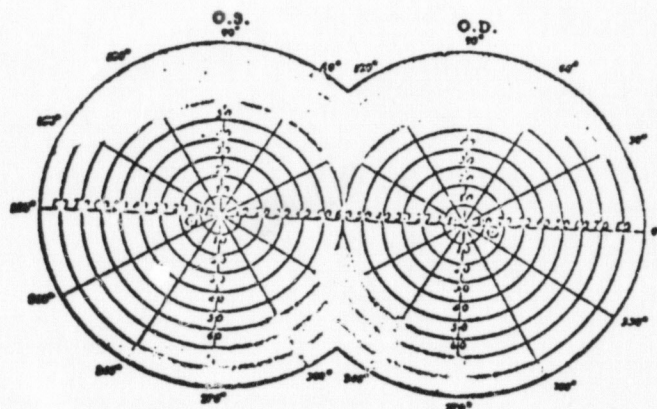
## 9. VISUAL IMPAIRMENT

(a) What was vision at last observation? ...  
 { With Glasses .....  
 { Without Glasses ...

(Snellen Notation)

O.D. \_\_\_\_\_ O.S. \_\_\_\_\_ Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19 \_\_\_\_\_  
 O.D. \_\_\_\_\_ O.S. \_\_\_\_\_ Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19 \_\_\_\_\_

(b) If fields of vision are contracted, show contraction on chart.



(c) Date corrected vision was irreversibly reduced to 20/200 or less in the better eye .....

Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19 \_\_\_\_\_ O.D. ☐ O.S. ☐

(d) Vision can be restored in whole or in part by .....

O.D. Lenses ☐ Treatment ☐ Operation ☐ Not restorable ☐  
 O.S. Lenses ☐ Treatment ☐ Operation ☐ Not restorable ☐

## REMARKS:

PATIENT IS RETIRED FOR DISABILITY AS A NYC FIREFIGHTER  
 SINCE 9-2-71

(ritual)  
 Patient was discharged from Fire Department  
 because of anxiety neurosis. with 100% disability from  
 the City of New York.

BEST COPY OBTAINABLE

DATE

SIGNATURE (Attending Physician)

M.D.

TELEPHONE

STREET ADDRESS

CITY OR TOWN

STATE (or Province)

ZIP CODE

443-7300





# CUNA MUTUAL INSURANCE SOCIETY

5910 MINERAL POINT ROAD • P.O. BOX 371 • 238-8881 • MADISON, WISCONSIN 53701

185

Name of Patient (Print) <b>ANDRE DASH</b>		CO-36-57		Date of Birth <b>7-10-24</b>	
Present Address No. <b>959</b>	Street <b>KENT AVE</b>	City <b>BKLYN</b>	State (or Province) <b>NY</b>		ZIP Code <b>11205</b>
Credit Union Name & Address <b>Municipal Credit Union Municipal Bldg. NY NY</b>					

## ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY

The patient is responsible for the completion of this form without expense to the Company. Space is available on the reverse side if you wish to amplify your answers.

<b>1. HISTORY</b> (a) When did symptoms first appear or accident happen? (b) Date patient ceased work because of disability. (c) Has patient ever had same or similar condition? If "Yes" state when and describe	Mo. <u>10</u> Day <u>13</u> 19 <u>70</u> Mo. <u>10</u> Day <u>13</u> 19 <u>70</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>2. PRESENT CONDITION</b> (a) Subjective symptoms (b) Objective findings Include results of current X-rays, E.K.G.s, or any other special tests. (c) Is patient: .....	<i>Pain &amp; swelling</i> <i>Fracture</i> Ambulatory? <input checked="" type="checkbox"/> Bed confined? <input type="checkbox"/> House confined? <input type="checkbox"/> Hospital confined? <input type="checkbox"/>
<b>3. DIAGNOSIS</b>	<i>Bennett fracture right 1st met. bone</i>
<b>4. TREATMENT</b> (a) Date of first visit .....	Mo. <u>11</u> Day <u>3</u> 19 <u>70</u>
(b) Date of last visit .....	Mo. <u>5</u> Day <u>25</u> 19 <u>71</u>
(c) Frequency of visits .....	Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other .....
(d) When did you last examine the patient? .....	Mo. <u>5</u> Day <u>25</u> 19 <u>71</u>
<b>5. PROGRESS</b>	Recovered <input type="checkbox"/> Improved <input checked="" type="checkbox"/> Unimproved <input type="checkbox"/> Retrogressed <input type="checkbox"/>
<b>6. EXTENT OF DISABILITY</b> (a) Is patient now totally disabled? (b) If no, when was patient able to go to work? (c) If yes, when do you think patient will be able to resume any work? (d) If yes, is patient a suitable candidate for a rehabilitation program?	<b>FOR ANY OCCUPATION</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Mo. _____ Day _____ 19 ____ Mo. _____ Day _____ 19 ____ <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>FOR HIS REGULAR OCCUPATION</b> Yes <input type="checkbox"/> No <input type="checkbox"/> Mo. _____ Day _____ 19 ____ Mo. _____ Day _____ 19 ____ <input type="checkbox"/> <input type="checkbox"/>
<b>7. MENTAL CONDITION</b> Is the patient competent to endorse checks and direct the use of the proceeds thereof?	Yes <input type="checkbox"/> No <input type="checkbox"/>

(OVER)

APS-PTD(10-67)  
C-4R 1-69

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PRINTED IN U.S.A. BY UNION LABEL

Address 757 Kent Ave. Bklyn New York 11205

ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY

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The Patient is responsible for the completion of this form without expense to the Bank or the Savings Banks Life Insurance Fund. Space is available on the reverse side if you wish to amplify your answers.

<b>1. HISTORY</b> (a) When did symptoms first appear or accident happen? (b) Date patient ceased work because of disability. (c) Has patient ever had same or similar condition? If "Yes" state when and describe		Mo. <u>10</u> Day <u>23</u> 19 <u>70</u> Mo. <u>10</u> Day <u>13</u> 19 <u>70</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>																													
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(c) Is patient: .....		Ambulatory? <input checked="" type="checkbox"/> Bed confined? <input type="checkbox"/> House confined? <input type="checkbox"/> Hospital confined? <input type="checkbox"/>																													
<b>3. DIAGNOSIS</b>		Bennett fracture Rt 1 <sup>st</sup> metacarpal																													
<b>4. TREATMENT</b> (a) Date of first visit ..... (b) Date of last visit ..... (c) Frequency of visits. .... (d) When did you last examine the patient? .....		Mo. <u>11</u> Day <u>3</u> 19 <u>70</u> Mo. <u>5</u> Day <u>25</u> 19 <u>71</u> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other _____ Mo. <u>5</u> Day <u>25</u> 19 <u>71</u>																													
<b>5. PROGRESS</b>		Recovered <input type="checkbox"/> Improved <input type="checkbox"/> Unimproved <input type="checkbox"/> Retrogressed <input type="checkbox"/>																													
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FOR ANY OCCUPATION		FOR HIS REGULAR OCCUPATION																													
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>																												
Mo. _____	Day _____ 19 ____	Mo. _____	Day _____ 19 ____																												
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THIS FORM IS CONTINUED ON REVERSE SIDE  
PLEASE BE SURE TO ANSWER ALL QUESTIONS AND SIGN AT BOTTOM OF OTHER SIDE

Form 709a

(5/71)

BEST COPY OBTAINABLE



(a) Functional capacity (American Heart Ass'n.) ...

Class 1 (No limitation) ☐  
Class 3 (Marked limitation) ☐

Class 2 (Slight limitation) ☐  
Class 4 (Complete limitation) ☐

(b) Blood pressure .....

187

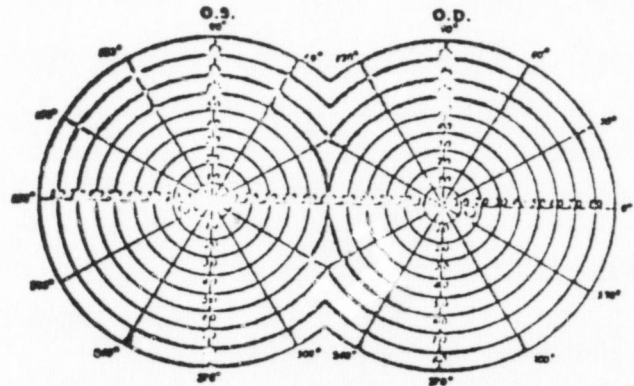
**VISUAL IMPAIRMENT**

(a) What was vision at last observation? .....

With Glasses .....  
Without Glasses .....

(Snellen Notation)  
O.D. \_\_\_\_\_ O.S. \_\_\_\_\_ Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19 \_\_\_\_\_  
O.D. \_\_\_\_\_ O.S. \_\_\_\_\_ Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19 \_\_\_\_\_

(b) If fields of vision are contracted, show contraction on chart.



(c) Date corrected vision was irrecoverably reduced to 20/200 or less in the better eye .....

Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19 \_\_\_\_\_ O.D. ☐ O.S. ☐

(d) Vision can be restored in whole or in part by ....

O.D. Lenses ☐ Treatment ☐ Operation ☐ Not restorable ☐  
O.S. Lenses ☐ Treatment ☐ Operation ☐ Not restorable ☐

**MARKS:**

DATE

SIGNATURE (Attending Physician)

M.D.

TELEPHONE

STREET ADDRESS

CITY OR TOWN

STATE (or Province)

ZIP CODE

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188  
5-16-73

089-12-9493

Mary O. Corbano  
Administrative Judge of Law

I have been under doctor care  
~~since~~ <sup>since</sup> 1970 and I have been  
unable to perform my duties as a  
magistrate for a long time as a result  
I have been advised from the report  
an an medical disability Sept 2-1971  
and since my retirement I have  
been under ~~doctor~~ <sup>doctor</sup> medical care.  
I have been determined by to be  
totally incapable of working and being totally dis-  
abled for as much as 12 months and I am disappointed  
that my physical condition  
conditions and they had to meet them  
in order to be able to pay off  
some out standing debts.

I have also been paying into  
Social Security since 1939 and the Railroad  
Retirement Fund and under these  
fund their are provisions  
providing for disability benefits of the  
disability as has disabled you for at least  
12 months or more in death and if  
at a point you do become able to be gainfully  
employed your benefit will be applied to you

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Exhibit No. ~~1~~ (9 pages)









I received a letter from you to day  
in regards to calling your office on  
matters of interest. I called for add-  
itional applications for the V.A. and  
some other matter in regards to the  
dept of labor.

The medical form I left  
at your office was a part of present  
medical form filled out by my doctor  
for the insurance co. which report is still  
a medical report of records

I have since given the  
forms you gave me to the alt. dep. in  
the V.A. and I can not assure  
you that they will be returned within  
ten days.

I write this letter rather  
late as compared to the hearing because  
I am not always up to par or need  
to concentrate as in a mood to be verbally  
fighting through written communication.  
I can not keep my self at times to take  
care of my bills because I am always  
unable to meet these first debts, and  
the problem of my wife, mine, my family, my  
health etc. It seems to be just to much to  
cope with. I can apply for domestic care

BEST COPY OBTAINABLE

at least wif a U.A. facilities off and on  
to get my self together - maybe I'll be  
able to snap back like I was with  
Vince & Vegas. This would be sort of a  
mental confinement in some institution

Joseph L. Cook  
389-12-8492  
959 Kent Ave.  
Brooklyn, N.Y.  
11205

P.S. I would like to know whether my  
physical & mental impairment is due to  
Obesity or liver ailment? I suffer from  
digestion, apprehension, dizziness, shortness of  
breath, am still walking, lost of thought present  
events, some - spasms of upper left abdomen runs  
in from a cramp on the left side. & in passing over  
my belly, over the my back seems to be falling  
or pushing down on my hips. I would at this  
time be given the opportunity for a good  
Hospital check up. Regardless of how I seem  
to be helped otherwise.

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(From the office of T.R. Van Lente, M.D., Chicago Tribune-New York News Syndicate, Inc.)

### LIVER DISORDERS

The liver is extremely durable but cannot tolerate long continued abuse. The organ is made up of various kinds of cells that have different functions to perform. Some disorders affect only one type of cell; others involve the entire organ. Manifestations differ when a structure can be affected by so many disorders. In general, there may be no symptoms pointing specifically to the liver except jaundice, in which the skin and whites of the eyes turn yellow. Occasionally pain over the organ or enlargement will be present but in the majority, there are only vague disturbances. Now and then liver disease is suggested by weight loss, fatigue, indigestion, poor appetite, fever, nausea, or vomiting.

Cirrhosis of the liver is common among alcoholics because they prefer liquor to food. They will be helped by going on the wagon and eating a well balanced diet high in animal proteins and vitamin B. Viral hepatitis is an example of liver infection. The causative micro-organisms are present in food, water, or milk that has been contaminated by victims or carriers of this disease. (We have individual leaflets on cirrhosis of the liver and viral hepatitis that may be obtained by sending a stamped, self-addressed envelope with request.) Serum hepatitis is a disorder that occurs if a person receives infected plasma in a transfusion.

Another liver disease is abscess associated with infections elsewhere in the body such as amebiasis, appendicitis, gall bladder disease, or blood poisoning. Cancer may attack the liver, usually spreading from another part of the body. Various chemicals damage the liver, including the highly volatile fluids used in dry cleaning. The amateur who does his own dry cleaning should use the product according to directions and be sure that the room is well ventilated.

Diet is of the utmost importance in treatment. Meals should be high in proteins and carbohydrates and low in fats. The individual may eat liberal quantities of meat, fish, poultry, eggs, and dairy products as well as fruits and vegetables. In addition, the physician may prescribe vitamins, particularly choline. Fats must be restricted and condiments and alcohol are taboo.

BEST COPY OBTAINABLE

(FROM THE OFFICE OF T. F. VAN NORDEN, M.D., CHIEF, THE UNITED STATES ARMY MEDICAL SERVICE, INC.)

### SYMPTOMS OF THE LIVER

Cirrhosis of the liver is associated with a variety of symptoms. The most common is a gradual deterioration in health. Liver trouble is often associated with a loss of appetite, a feeling of fullness after eating, and a general feeling of weakness. Some people who have been drinking alcohol for many years, even though they have consumed large amounts of alcohol, may not show any symptoms. They may feel that they can take anything. Other factors are agents that destroy liver cells and cause poisoning from chemicals such as carbon tetrachloride and phosphorus, viral hepatitis, intestinal parasitic disease (in the Orient and Africa), ordinary malnutrition, disease of the bile ducts, and chronic infection such as syphilis.

Studies show that a person who diet tends to protect the liver from cirrhosis of the liver. Those who eat well balanced meals and less likely to get cirrhosis whereas men and women who subsist largely on whisky and coffee are liable for trouble. Moreover the victim of cirrhosis is helped by consuming a high protein diet even if he continues drinking. But he will do better if he abstains. The problem is not solved this easily because excessive consumption of alcohol depresses appetite. As a result, most alcoholics eat less and less, particularly of proteins. Alcohol supplies enough calories to keep them going but protein deficiency sets the stage for liver damage.

At any rate, the victim should be concerned when he develops unexplained lassitude, fatigue, dyspepsia, loss of appetite, weight loss, and other symptoms. Although these symptoms are not specific for liver trouble, they are so common to many other disorders from health so many victims recall when it is too late. Before liver failure occurs, 80 per cent of the liver must be destroyed. The liver is large due to fatty deposits. When these deposits are absorbed and some of the contracts, the organ begins to shrink. This may lead to obstruction of the large veins which carry blood to the liver from the stomach, intestines, spleen, pancreas and gall bladder.

Mechanical obstruction is responsible for late manifestations of the disease. The abdomen fills with fluid and the individual complains of fullness and discomfort. In the past, there was no recourse except frequent tappings. Relief continued until fluid accumulated again. The usual drainage machines helped some. Then surgeons came to the rescue. The most important surgical procedure is to remove the spleen and enter the vein from this organ to the vein of the left kidney. This affords a direct path for blood in the portal system up to the kidney and enters into the large vein that goes directly to the heart.

Cirrhosis of the liver is the most common cause of death in adults. The outlook has improved, however, through adequate nutrition. All patients with alcoholic diet, rich in proteins and carbohydrates, are essentially enough fat to be added to make the meals palatable. Now and then vitamin concentrates or dietary supplements are advised, especially when the patient can't eat.

Other measures are taken to protect the liver. When dropsy is present, a restricted sodium diet and diuretics or other measures are recommended. All infections should be treated promptly and adequately. Hemorrhages and hemorrhoids should be treated. Some people are advised to rest during the periods when the liver is weak. It is strictly to avoid fatigue and exhaustion. In any case, the liver is strictly to avoid fatigue and exhaustion.



# Emotion and Heart Failure

195

By DR. THEODORE R. VAN DELLEN

© 1972 by The Chicago Tribune

J. H. writes: "What is congestive heart failure? A few days after my father had an argument with a neighbor, he became so short of breath that the doctor put him in the hospital.

"He needed oxygen for a few days and was given various pills to relieve the lung congestion which, according to his doctor, was due to a failing heart. Do you think squabbling with the neighbor had anything to do with it?"

Emotional upsets, especially those that arouse feelings of rage and frustration, may affect the pulse rate and cardiac output. These changes can lead to heart failure.

## Dropsy Is the Lay Term

We assume your dad is over 60 and has some hardening of the coronary arteries. Severe depression and tension also affect cardiac output. In addition, the emotional stress may alter salt and water metabolism which encourages congestion.

Dropsy is the lay term for congestive heart failure. The heart is chiefly muscle and its sole function is to pump blood. Even though handicapped by a leaky valve, high blood pressure or a weakened muscle, the old ticker will continue to do its job unless it is overworked.

But there is a limit to the strain it can take and signs of failure occur when a satisfactory circulation of the blood throughout the body cannot be maintained.

Lung congestion develops and induces shortness of breath. In addition, the failing heart is unable to pass along the blood entering from the veins leading to swelling of the ankles and congestion of the liver and abdominal organs.

Salt also accumulates in the tissues because the kidneys eliminate too little sodium.

Unless treatment is started, the sufferer becomes more and more short of breath and dropsical. There may be a weight gain of 20 to 40 pounds due to waterlogged tissues.

With bed rest, digitalis and diuretics, the heartbeat slows and gets stronger. As large amounts of water are eliminated, weight is lost. Table salt is forbidden when dropsy exists.

## BATS IN THE THATCH

R. A. writes: If a bat gets into your hair, does it have to be shaved off?

REPLY: Not the bat. All that is needed is to shampoo the hair. However, if bitten by the bat, antirabies shots are in order.

Dr. Van Dellen will answer questions regarding health and hygiene in this column and by mail. He will not make diagnoses or prescribe for individuals. Enclose stamped, self-addressed envelope and address DR. THEODORE R. VAN DELLEN, THE NEWS, P. O. BOX 1452, GRAND CENTRAL STATION, NEW YORK, N. Y. 10017.

thinks he's a tiny puppy.

## FAMILY DOCTOR

# Is Everything in the Mind? No, but Quite a Bit Is

By DR. THEODORE R. VAN DELLEN

© 1968 by The Chicago Tribune

Psychosomatic pertains to the influence of the mind (psyche) upon the functions of the body (soma). Specifically, it refers to symptoms induced by tension and emo-

tions such as sorrow, anxiety, frustration, fear and guilt. The term is not new and probably was coined because it describes so well the concept of "mind over matter."

Call it what you may, organs rebel and become unruly when bombarded with nervous impulses. Indigestion takes place when the stomach is involved.

PEPTIC ULCERS may develop if sustained nervousness increases the acid content and churning movements within the gastric

organ disease or taking certain drugs.

THE SOUNDS ARE described as buzzing, roaring, whistling or just ringing. Ear noises caused by emotional upsets are likely to be of short duration unless tension continues over a long period of time.

Itching of the ears and nose may be associated with anxiety. An itchy proboscis bothers many while sitting in a dental chair. Scratching may aggravate the sensation and occasionally a rash develops from vigorous mechanical irritation. Salivary glands respond to nervous system stimuli. Some people complain of a dry mouth and others drool.

## FLASHES IN WOMAN OF 52

A. R. writes: What would cause frequent hot flashes after they have been absent for two years? I am 52 and went through the menopause with no real problems. The hot flashes I had two years ago were not so bad as the ones I am getting now.

## REPLY

Hot flashes may develop independently of the menopause. These flashes are of vascular origin and, although more common during the change of life, can occur to men and women of all ages.

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## Today's Health Hint

Never leave the child in the car unattended.

pouch. Spastic or irritable bowel is a psychogenic problem leading to abdominal pain, diarrhea or constipation.

Skin reactions to turmoil are exhibited by blushing, sweating or coldness, and numbness. Nervous heart beats more rapidly, resulting in shortness of breath, chest pain and palpitation.

MIGRAINES MAY be traced to tension of the scalp muscles or of the cerebral blood vessels. Sexual inadequacies are frequently of a psychosomatic basis.

D. organs, such as the ears, become involved in nervous afflictions? Yes. In fact, few structures escape. Ringing of the ears (tinnitus) can be of emotional origin although the disorder is likely to be associated with







## FAMILY DOCTOR

# Soldier's Heart' Mostly Nervous Phenomenon

By DR. THEODORE R. VAN DELLEN

(© 1937 by The Chicago Tribune)

John was a 34-year-old veteran who was bothered by shortness of breath on exertion. This kept him from doing chores on his farm or getting odd jobs in town. Sometimes he felt stronger than usual and did enough work to provide for his family.

John was lucky because he had no evidence of heart or lung disease. His trouble was neurocirculatory asthenia (NCA). During World War I, this well-known nervous disorder was called soldier's heart.



VICTIMS OF NCA have nervous manifestations that seem to stem from the heart and circulation. In addition to breathlessness, they suffer from pain in the left chest, palpitation, fatigue, dizziness and frequent sighing. Weakness and loss of appetite add to their woes. Their hands and feet are cold and drenched in perspiration.

It is believed that many of these individuals develop symptoms as a defense against meeting a problem head on. The condition is used as an excuse to keep from doing something of which they are incapable.

THE MAJORITY inherited an inferior constitution with little natural stamina, flabby muscles and a poorly nourished body. Their overly sensitive sympathetic nervous system reacts abnormally to ordinary stimuli. The result is overstimulation of the heart, pulse, blood pressure and circulation.

Studies have revealed that these men and women do not use oxygen as rapidly as they

**Today's Health Hint**  
Prolonged bed rest encourages pleuritis, osteoporosis, and many other diseases.

should and the waste product, lactic acid, forms in their blood faster than in the more healthy and robust individual. This explains why they become short of breath and exhausted after exercise. No one knows why this occurs but when the cause of NCA is discovered, we may find the answer.

### ABNORMAL BRAIN WAVES

C. N. writes: Can abnormal brain waves ever be made normal?

### REPLY

Yes, but this does not mean that the underlying disease is cured. Brain wave patterns may return to normal after encephalitis, brain tumor, or stroke. Abnormal brain waves in the major type of epilepsy (grand mal) are not affected by treatment, whereas those of petit mal return to normal after the patient takes drugs that control the attacks.

### BAKER'S CYST

A reader writes: What would cause continuous swelling behind the knee?

### REPLY

A bursa sac is located in this area which, when inflamed, fills with fluid. This enlargement is known as Baker's cyst.

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## FAMILY DOCTOR

# Emotional Upset Can Be Cause of Cold Hands, Feet

By DR. THEODORE R. VAN DELLEN

(© 1938 by The Chicago Tribune)

A 25-year-old woman writes: "Many people share my problem — cold hands and feet. I have tried everything suggested, including two pairs of woolen mittens and

socks, galoshes, insulated boots, and plastic liners worn close to the skin. I am not interested in using chemical and battery-operated gadgets. Can you help?"

Our reader has handled her condition well, with one exception — no attempt was made to find out why her hands and feet are cold. In young adults

coldness usually stems from constriction of the smaller arterioles of the skin. Most sufferers, but not all, are females.

THE SYMPATHETIC nervous system regulates the size of the blood vessels. We have no control

upheavals intensify sympathetic irritability.

WHEN THE CAUSE is on an emotional basis, it may be difficult to correct unless the person calms down. Tranquilizers may help. Drugs to relax the arterioles are useful, although the slight warming that takes place may not warrant ensuing side reactions.

This woman should learn to live with her problem, because it tends to improve with age and sophistication. Hardening of the arteries is causative in oldsters with this manifestation.

### SALIVA AND PREGNANCY

A reader writes: "What causes excessive saliva production during pregnancy?"

### REPLY

The exact cause is not known except that it is related to the stimulation of the nerves that involve the salivary glands and the gastrointestinal tract. The condition probably is associated with morning sickness.

### SPRAIN OR STRAIN?

A. L. writes: What is the difference between ankle sprain and strain?

### REPLY

Sprain usually involves injury of the muscles, fibers. In strain, the joints, ligaments, and capsule are affected.

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**Today's Health Hint**  
Insecticides should be kept tightly capped.

over these nerves, which also affect pulse rate, sweat glands, gooseflesh, digestion, and other functions. In individuals with cold limbs, this system is overly active and sensitive.

The sympathetic nervous system connects with the central nervous system and is influenced to a certain degree by stress-producing emotions such as anxiety, anger, and frustration.

The skin also may be moist and slightly bluish. Warmth lessens, but does not abolish, the coldness and skin color. Exposure to severe weather and emotional

TO: <i>D. Backman</i>	REQUEST: <i>AA</i>	DATE OF REQUEST: <i>1.20.70</i>
REASON FOR REQUEST (In complaints and findings)		

*H. complaints of LBA pain on any  
distraction as "Charlie horse"  
Pain is below "knee" border  
truly involuntary*

## PROVISIONAL DIAGNOSIS

*Unlikely paroxysm*

DOCTOR'S SIGNATURE: <i>[Signature]</i>	APPROVED	PLACE OF CONSULTATION <input type="checkbox"/> RESIDENCE <input type="checkbox"/> ON CALL	<input type="checkbox"/> EMERGENCY <input checked="" type="checkbox"/> ROUTINE
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## CONSULTATION REPORT

*Backman  
1.20.70 130*

(Continued on reverse side)

SIGNATURE AND TITLE	DATE	IDENTIFICATION NO.	ORGANIZATION
PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)		REGISTER NO.	WARD NO.

*Arthur Anderson*

*9937096*

CONSULTATION SHEET  
Standard Form 513  
513-104

BEST COPY OBTAINABLE

VETERANS ADMINISTRATION  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK  
Exhibit No. *22 (Spages)*

*P.1*



CLINICAL RECORD

DOCTOR'S PROGRESS NOTES  
(Sign all notes)

DATE

Annual Exam

9/7/72

47 y old male, S.C. - Ruxote. Discharge  
for enlarged liver 1957 to "eghail" -  
hepatitis treated recently, & P was 160/120 -  
repeat later was normal. feeling tired;  
appetite good. occasional mild transient  
chest pain, relieved by hatching. some SOB,  
year no b7 b6 problems.

(P) 128/88 (H) 138/90 - repeat - 162/94 -> 136/90

wt 186

(R) repeat 135/88

T 98° P 68

Eye - PERLA; EOM good;

Ear - neg; throat - neg; remaining

teeth in fair repair

neck - small RRA but mandibular node

thyroid not enlarged; no enlarged supraclavicular  
nodes.

lung - clear to base; heart - RR no murmurs,  
normal of good quality;

abdomen - soft, no hepatosplenomegaly  
no tenderness

extremities - no edema

neural - negative, all good - neg.

(H) 128/88 (S) 135/88 (P) 136/90

- had small RRA

(Continued on reverse)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first,  
middle, S.S.N.; date; hospital or medical facility)

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SYSTEMS ADMINISTRATION  
PATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

REGISTER NO.

2225323

WARD NO.

DOCTOR'S PROGRESS NOTES  
Standard Form 309  
501-106

Dock, Andrew

OS9-12-9492

DOCTOR'S PROGRESS NOTES  
(Sign all notes)

199

9.7.72	M. request dental Consultation
	I returned to dental
	Rt
10.26.72	Resless, retired Grand City
	was looking worried, lost motivation
	- unreliable - does not keep
	appointments, Rx Valium 5, 10 mg
	Heavy dental work done Hexants Gd
2.14.73	M. was in a depressed mood
	and was unable to come here
	He is unable to leave the house
	when in "that mood" - something
	afraid to come here - not to do any
	something bad -
	Complains of chest pains
	Rx as above and



CLINICAL RECORD

CONSULTATION SHEET

REQUEST

TO:

*M. Hackman*

FROM: (Requesting word, unit, or action)

*PHH*

DATE OF REQUEST

*2/14/73*

REASON FOR REQUEST (Complaints and findings)

*H. Complaints of pain in chest  
on respiration, also retarded feelings  
Please evaluate*

PROVISIONAL DIAGNOSIS

*N.P. condition*

DOCTOR'S SIGNATURE

*H. Hackman*

APPROVED

PLACE OF CONSULTATION

☐ BEDSIDE ☐ ON CALL

☐ EMERGENCY

☐ ROUTINE

CONSULTATION REPORT

FEB 14 1973

*Worried about blood pressure. Chest & Throat  
Pain in chest. Noisy sleep, no cough. - <sup>new</sup> ~~new~~ <sup>new</sup> ~~new~~  
Had on annual exam 9/7/72. Temp - 98.6 BP  
172. Lungs clear, normal. ECG 93. BUN 15. <sup>new</sup> ~~new~~ <sup>new</sup> ~~new~~  
Physical - No dyspnea or orthopnea. Anterior Agitation  
No neck vein distention. <sup>new</sup> ~~new <sup>new</sup> ~~new~~  
Heart - Not enlarged. Murmur good quality. Rf  
Lungs: No adventitious sounds. Arteries accelerated.  
Abdomen: No abdominal tenderness. No splenomegaly.  
Extremities: No edema. No Rf. No Rf. No Rf.  
ECG - Normal~~*

FEB 14 1973

BEST COPY OBTAINABLE

(Continued on reverse side)

SIGNATURE AND TITLE

*H. Hackman*

DATE

*2/14/73*

IDENTIFICATION NO

ORGANIZATION

PATIENT IDENTIFICATION (For typed or written records give: Name—last, first, middle, grade, date, hospital or medical facility)

*Barb Andree  
9937090*

REGISTER NO

WARD NO

VETERANS ADMINISTRATION  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

CONSULTATION SHEET  
Standard Form 515  
515-104

*2.3*

## DOCTOR'S PROGRESS NOTES

(Sign all notes)

DATE

H. referred for Annual Physical  
Exam



DATE

7.20.77

Pt's wife in, requesting Rx  
for Vet. Claims that he is not  
in title, breaks things - trying  
to come in. Argumentative -  
will frequent. - States he is married  
2 years - He never volunteered info.  
that he remarried

He last seen in March - given 2 doses Rx  
prior to liver function tests because  
of hepatomegaly - never returned  
to clinic.

He advised to come in either for Rx  
or hospitalization. Rx administered 4/30

Trace

7.26.77

He appeared in 15 minutes for  
lab waiting for lab. down stairs.  
Trunk empty -  
to lab -

Trace

8.15.77

He has received Chemist  
had BP checked by W.Y. Heald  
160/120 - 16. over, worried

BP reduced now: 135/95

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first,  
middle; grade; date; hospital or medical facility)

REGISTER NO.

C#9-437-096

WARD NO.

Trace

John Andrew

DOCTOR'S PROGRESS NOTES  
Standard Form 509  
509-105

VETERANS ADMINISTRATION  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

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TO: <i>Orthopedic</i>	FROM: (Requesting ward, unit, or activity) <i>M.H.C.</i>	DATE OF REQUEST <i>5/5/71</i>
-----------------------	--	-------------------------------

REASON FOR REQUEST (Complaints and findings)

*Muscle spasm & pain in Left Shoulder  
1 week duration -  
No improvement to analgesics  
Evaluation & Disposition*

PROVISIONAL DIAGNOSIS

*N - P.*

DOCTOR'S SIGNATURE <i>[Signature]</i>	APPROVED	PLACE OF CONSULTATION <input type="checkbox"/> BEDSIDE <input type="checkbox"/> ON CALL	<input type="checkbox"/> EMERGENCY <input checked="" type="checkbox"/> ROUTINE
--	----------	--	---

CONSULTATION REPORT

*Veteran complains of pain in left shoulder and soreness in r. posterior neck. There is no radiation of pain to the upper extremity. Duration 1 week. No history of injury.*

Examination:

*No swelling. Local tenderness on no deformity. ant surface of the mobility not restricted - head of humerus*

*Cervical spine - on extension pain is elicited at posterior surface of the neck radiating toward the L. shoulder flexion unrestricted.*

*R. lateral rotation & lateral flexion elicits pain in L. side of neck. L shoulder Long cerv. spine.*

(Continued on reverse side)

SIGNATURE AND TITLE <i>[Signature]</i>	DATE <i>5/5/71</i>	IDENTIFICATION NO.	ORGANIZATION
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PATIENT'S IDENTIFICATION (Use typed or written entries give: Name—last, first, middle, grade; date: hospital or medical facility)	REGISTER NO. <i>CH 9-337-096</i>	WARD NO. <i>T</i>
---	-------------------------------------	----------------------

*Dash, Andrew*

VETERANS ADMINISTRATION  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

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5.27.69 Clotted - forming a mass R. of R. of R.  
Abdomen (also abdomen, - very much  
involved - brilliant peritoneal cavity  
with coagula - - also - peritoneal -

8/29/69 gets anxiety, but knows how

CBC. To handle it - R. peritoneal  
trans

10.20.69 CBC within normal  
Int. Niluam out, low smooth and healthy  
shear fatals Capricious shiny lining  
can in adding. Exam 25 wk  
Tritofar 2.6.1969

1.20.70 H. gets a cramp LVO  
below left rib border  
referred to Dr. Shackman

2.16.70 H. missed I.M. appointment.  
Pain subsided in the mean time  
R. peritoneal as above  
had epigastric pain. Clotted R. peritoneal

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first,  
middle; grade; date; hospital or medical facility)

Dan Anderson

REGISTER NO.

9737096

WARD NO.

100

VETERANS ADMINISTRATION  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

DOCTOR'S PROGRESS NOTES  
Standard Form 509  
5-72-1102

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p.6

DOCTOR'S PROGRESS NOTES  
(Sign all notes)

8/3/76

6/6/78

Mr. Hunt & wife said that  
were excited for much getting  
would like to take rest. Medical Information

8/5/76

Mr. Hunt has been away from  
must stay at this clinic  
at present he is feeling  
better and it is recommended  
all of that he be granted  
3 weeks of leave from work  
for medical reasons.

8/11/76

no change -

He was ill & unable to work for  
weeks -

Info Group

Ver. was ill from Aug 11, 1970 to  
Aug. 21, 1970 & unable to work.

1.14.71

His girlfriend came in for Rx.  
He has - has asthma - got upset at work  
because he was considered racial discrimi-  
nation. He wanted to come as  
a medical claimant. Rx. received 2 weeks leave.

Date

Seen in clinic on 7.1.76 - Rx. received 2 weeks leave.



7.14.71 H. on Sch Lead Exam N.Y.C. Fr. Sep.  
will return on disability. Dismissed  
his anxiety, thinking that meeting  
him to come here. Felt uneasy  
when I came in on location  
C.P.C. without a shirt and did not know  
where his therapist is.  
Chest X-ray later to make a shirt, it makes  
him feel down -  
will make up in 4 cols  
R.R. Exam 25th, 5th  
Mittelman 24th  
att. for Annual P.E.

Tracy

9.13.71 H. - retired Exam Fr. Exam.  
must show 9.2.71.  
Wishes to keep records of  
Annual physical. Needs driving  
license last night. Wants to devote  
time to community activities.  
Stays away from family.  
Keeps too much demonstration  
behaviors - R.R. relieved

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first,  
middle; grade, date; hospital or medical facility)

REGISTER NO.

CH9-937-246

WARD NO.

T

Dash Audrey

DOCTOR'S PROGRESS NOTES  
Standard Form 509  
109-106

VETERANS ADMINISTRATION  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

P.7

**DOCTOR'S PROGRESS NOTES**  
(Sign all notes)

DATE \_\_\_\_\_

Felt that there were racial  
prejudices in the department  
and if Colored Kings —

At ~~Leicester~~ d. Bay  
Renew

11.5.71

46 y old woman, s.c for  
Anxiety reaction.

Retired lately from NYC Fire Department because of his condition. He gave to states that he gets nervous and tense takes more medication to calm down.

In good contact, coherent and relevant - denies racism and is distrustful and on last job felt that he was discriminated against because of color —

Lives separately from his family - because he did not get along, but visits them.

Series disintegrated - but no  
hepatomegaly. At change to Volinsky S.  
Elev 25 m to <sup>top</sup> 90  
He x corticis 1/2 + 3/4  
" "



## CLINICAL RECORD

DOCTOR'S PROGRESS NOTES  
(Sign all notes)DATE  
11-5-71

## General Summary

Veteran has been under treatment for PC anxiety reaction since 1951.

He has been coming regularly every 2-3 months. Receives trispsychosony and tranquilizing medications.

He is in good contact, coherent and relevant. Experiences hallucinations and suicidal ideations.

Gets depressed, tense and anxious. Has anxiety fear of heights and

He also occasional G.I. symptoms when upset. Received this letter

has alone separated from family. Worked in NYC Fire Department but had to quit because of low tolerance for stress.

Progress remains good.

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)

REGISTER NO.

249-437-096

WARD NO.

T

Dash, Andrew

VETERANS ADMINISTRATION  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

DOCTOR'S PROGRESS NOTES  
Standard Form 509  
11-5-71

P.8

**DOCTOR'S PROGRESS NOTES**  
(Sign all notes)

(Sign all notes)

DATE 2/18

DATE 2-14-72 Failed appointment

3.10.72

Tells that RR slows him down 40 mph.

Evening  
Night

Los bilaterales

Рицѣ

Ref. Valicun San L. 708

East 25th 174-6046

Training



CLINICAL RECORD

NARRATIVE SUMMARY

DATE OF ADMISSION

DATE OF DISCHARGE

NUMBER OF DAYS HOSPITALIZED

7/26/57

10/24/57

(Sign and date at end of narrative)

INTERIM SUMMARY - CBOC

**HISTORY:** This is the first Brooklyn VAM admission of a 33 year old married, negro male, who enters with a chief complaint of pleuritic chest pain of 3 days duration. The patient has had a long history of episodes of wheezing diagnosed by his physician as mild asthma. He has also had an early morning productive cough for many years. Four days prior to admission he noted the onset of weakness, easy fatigue, retrosternal burning pain associated with respiration, chilliness and cough productive of thick purulent sputum. The following day he developed left anterior pleuritic chest pain associated with the cough and his temperature rose to 102 and admission was advised. This patient smokes approximately 1-1 1/2 packages of cigarettes a day. Past history reveals that during the 3-4 months prior to admission there was a 12 lb. weight loss, his appetite has been good. There has been no nausea or vomiting but there have been frequent episodes of gastric burning not related to food and occasionally relieved by milk. In August of 1957 at the New York Veterans Administration Hospital, Manhattan because of an episode of vomiting and hematemesis. GI Series was negative at that time. A diagnosis of gastritis was made. In March of 1957 he was hospitalized at Adelphi Hospital because of a tender liver and jaundice. A diagnosis of mild hepatitis was made at that time. Some ~~more~~ abnormal liver chemistries were found. He was advised to have some bed rest and his jaundice slowly cleared.

**PHYSICAL EXAMINATION:** Blood pressure 130/80. Pulse 38, regular. Temperature 100.8. Patient is a well developed, well nourished, negro male in no acute distress. HEENT - negative, no icterus present. Neck - supple, trachea midline, thyroid not felt. Chest clear to percussion, bilateral expiratory wheezes and increased breadth sounds on deep respiration, vocal fremitus and tactile fremitus intact. Heart no cardiomegaly, ESR, no murmurs or thrills. Abdomen - soft non tender. A non tender liver edge is felt approximately 3 finger breadths below the right costal margin, no spleen or kidney. no masses or scars. Genitalia normal. Extremities, no clubbing, cyanosis, or edema. Skin - negative.

**LABORATORY & X-RAY DATA:** Serology negative. Hemogram, hemoglobin 13.5, hct 41, ESR 9, WBC's 12,800 neutrophils 91, lymphocytes 8, monocytes 1. Eosinophils 1:28. Urine yellow, hazy, acid, specific gravity 1.027, albumin negative, sugar negative, occasional WBC's. Cold agglutinins and strep AG agglutinins negative. Numerous sputums for acid fast negative. Alkaline phosphatase 6.3, trypsin turbidity 4.4, bilirubin 0.9, direct 0.1, cephal flocc negative, BSP 2.3, total protein 6.3, albumin 4.5, globulin 1.8. Repeat hemogram shortly before discharge revealed a hemoglobin of 12.2, hct 35, red rate 2 mm. WBC's 6,600, neutrophils 83, lymphocytes 13, monocytes 5, eosinophils 1. Prothrombin time 13.4 with a control of 12.5. Chest x-ray negative.

SIGNATURE OF PHYSICIAN

DATE

IDENTIFICATION NO.

J. A. NIMS, M.D.

10/25/57 10017076

PATIENT'S IDENTIFICATION (For typed or written entries only. Name - last, first, and last grade; date; hospital or medical facility)

PHYSICIAN NO.

WARD NO.

1599

3 WEST

NAME, ADDRESS

ONE, BROOKLYN 9, NEW YORK

Page 1 of 2 pages

VETERANS ADMINISTRATION NARRATIVE SUMMARY  
OUTPATIENT CLINIC  
35 RYERSON STREET  
BROOKLYN, NEW YORK

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CLINICAL RECORD

Report on DAVID WIDEN 67579

or

Continuation of S. F. 502 67579 67579  
(Strike out one line) (Specify type of examination or data)

(Sign and date)

Infiltration in the posterior basal segment of the right lower lobe. A repeat one week later practically complete resolution of the pneumonic process. A repeat chest x-ray taken approximately 2 weeks after this revealed the lung fields to be entirely normal. Kall Bladder Series were negative and GI Series revealed a normal upper gastro-intestinal tract.

COURSE IN HOSPITAL: On admission the patient's temperature was 100.6 and it gradually rose to 102 remaining between 103 and 99 for 3 days, thereafter became normal and remained normal throughout the remainder of his hospitalization. The bronchopneumonia which was present on the admission x-ray gradually cleared so that by 3 weeks after admission the lung fields were entirely normal. The palpable non tender liver which was felt on admission could not again be felt thereafter. The pt. had entirely normal liver chemistries but in view of the past history of jaundice and the palpable liver it was decided to do a liver biopsy. A liver biopsy was performed but there was insufficient tissue present for a pathological diagnosis. A repeat liver biopsy was not attempted. The patient was asymptomatic throughout most of his hospitalization except for occasional complaints of a burning type of pain over the liver area and at other times a feeling that his liver was enlarged. He ate well, had some weight gain and it was decided to discharge this patient.

DISCHARGE MEDICATIONS: None

RECOMMENDED FOLLOW UP: Patient is to return to GI II Clinic in one month. Short term, acute.

FINAL DIAGNOSIS: Dg. 1. Bronchopneumonia. Treated. Improved.

PERSON RESPONSIBLE FOR MAJOR PART OF PT'S STAY IN HOSPITAL: Dg. 1

OTHER CONDITIONS: None

OPERATIONS & PROCEDURES: None

STATUS OF CURRENT DISABILITY: None

DATE & TYPE OF DISCHARGE: 10/24/57 - MED

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J. ENDEL, M.D.  
Card Physician

PRINTED FOR MEDICAL HISTORY:

(Continue on reverse side)

RECEIVED AT THE NEW YORK HOSPITAL  
(Indicate hospital or medical facility)

HIGH, ROBERT  
WILLIAMSON, J. NEW YORK

REPORT ON 67579 & CONTINUATION OF

Standard Form 507

Page 2 of 2 pages.



# FOR TREATMENT FOLDER

KIS ME

212

6100

## CLINICAL RECORD

## NARRATIVE SUMMARY

6/5/57

8/15/57

9

(Sign and date at end of narrative)

### NARRATIVE SUMMARY

**HISTORY:** This was the second New York VAH admission of this 34 year old Negro male, who is married and has two children and is a life long resident of New York. His chief complaint was nausea and vomiting and diarrhea for about 4 hours prior to admission. This was of a rather severe type and came on suddenly with no premonitory symptomatology. The patient felt that something he had eaten for supper was spoiled on the night of his admission. He did not have chills or fever. He phoned his doctor who told him to go home but this patient was not satisfied with this treatment and came to the New York VAH. This patient works as a bus driver and served as a cook in Italy in the US Army from 1942 to 1945. The patient occasionally takes small quantities of alcohol and smokes 1/2 pack cigarettes a day. His parents and two children are alive and well and his seven siblings are alive and well. Patient does not recall his childhood illnesses. The patient has had numerous adult illnesses for which he has been hospitalized from time to time. These are all related to complaints involving the GI tract. He has had several GI series all of which have turned up nothing. He has also had a rectal fistula which was operated on in 1946 at the Kings County Hospital. Patient had a tonsillectomy at the age of 16. The patient was also seen in 1945-46 and 47 by members of the psychiatric service and was told that he was working too hard.

**PHYSICAL EXAMINATION:** On the morning of the day after admission revealed an well developed, well nourished, Negro male in no acute distress. There were no abnormalities of the head, eyes, ears, nose and throat, chest, lungs or heart. Examination of the abdomen revealed mild diffuse tenderness with normal to active bowel sounds. The liver, kidneys and spleen were not palpated. There were no herniae palpated and there were no other abnormalities noted. It was noted that the patient was slightly anxious and somewhat hyperactive being very worried about his condition and all the other complaints which he has had for the past years and on one occasion he did ask whether or not he might try Dr. Farrar's radio pills.

**LABORATORY & X-RAY DATA:** Urinalysis on the night of admission revealed a normally colored urine with SG 1.030, sugar 2 plus, albumin 2 plus with 6-8 WBCs and 2-4 finely granular casts. Hemoglobin 15.7 gms, sed rate 3 mm, hematocrit 45%, WBC 9,950, polys 82, lymphocytes 9, monocytes 4, 6 status. Electrolytes were within normal limits. WBC negative. Three hour postprandial blood sugar was reported as 93 mg/dl, two days after admission and was normal several days after. Chest x-ray was within normal limits. ECG was within normal limits.

(Use additional sheets of this form Standard Form 520 if more space is required)

SIGNATURE OF PHYSICIAN	DATE	IDENTIFICATION NO.	ORGANIZATION
DR. J. H. HARRIS, MD	8/25/57	07 2 937 296	Army
PATIENT'S IDENTIFICATION (one typed or written entries give Name-last, first, middle, grade, date, hospital or medical facility)		REGISTER NO.	WARD NO.
J. H. HARRIS, MD		00000	12-1
VETERANS ADMINISTRATION		NARRATIVE SUMMARY	
OUTPATIENT CLINIC		Standard Form 520	
35 RYERSON STREET			
BROOKLYN, NEW YORK			

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## CLINICAL RECORD

Report on DASH, Andrew H.

or

Continuation of S. F. FINAL SUMMARY

(Strike out one line) (Specify type of examination or data)

(Sign and date)

-2-

OTHER STUDIES: None

COURSE IN HOSPITAL: Within the first few hours after admission the patient became completely asymptomatic except for some mild diffuse pain and some rumbling in his stomach which lasted for 2 days. Following that until his discharge the patient was completely asymptomatic.

FINAL DIAGNOSIS: 1. Acute gastroenteritis.

OTHER CONDITIONS OF MEDICAL SIGNIFICANCE FOR WHICH MEDICAL CARE WAS NOT GIVEN: 1. Anxiety neurosis.

OPERATIONS: NoneCOMPLICATIONS: NoneSPECIAL MEDICATIONS: NoneRECOMMENDATIONS: NoneRECOMMENDED FOLLOW-UP: NoneDATE & DATE OF DISCHARGE: MHB 8/15/57APPROVED FOR MEDICAL ADEQUACY:

GEORGE WERTER, MD  
Ward Physician

CERTIFIED TO BE A TRUE COPY

SIGNATURE &amp; DATE

(Continue on reverse side)

PATIENT'S ID IDENTIFICATION (For typed or written entries over name—last, first, middle, grade, date; hospital or medical facility)

DASH, Andrew H.

(Also 7 13580)

ALBISTER NO.

20229

WARD NO.

12-1

MHB, NEW YORK 10, NY

REPORT ON \_\_\_\_\_ or CONTINUATION OF \_\_\_\_\_

Standard Form 507

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U. S. GOVERNMENT PRINTING OFFICE 16-50184-6



IRVING ENGEL  
FRANKLYN J. ENGEL

COUNSELLORS AT LAW

TEL. (212) 624-7270

214

50 COURT STREET  
BROOKLYN, N. Y. 11201

January 9, 1974

Mr. Irwin Friedenber  
Member, Appeals Council  
Bureau of Hearings and Appeals  
Social Security Administration  
P.O. Box 2518  
Washington, D.C. 20013

Re: Andrew Dash  
1HA:512  
089-12-9492

Dear Mr. Friedenber:

Enclosed herewith please find the following medical evidence with regard to the aforementioned claim:

- 1 - CUNA Mutual Insurance Society - Attending Physician's Statement of Disability - signed by Warren H. Goins, M.D.
- 2 - Letter from Warren H. Goins, M.D., dated October 31, 1973.
- 3 - Records from the Fire Department of the City of New York, Medical Division, 278 Spring Street, New York, N.Y.

First, you will note that the insurance report completed by Dr. Goins indicates that the onset of Mr. Dash's disability occurred in October, 1970. This is the date which Mr. Dash is attempting to establish as the beginning of the 12 month period of disability required for obtaining benefits under the Social Security Act.

You might also note that both said report and the N.Y.C. Fire Department records indicate that Mr. Dash was retired from the Department on September 2, 1971 with a 100% disability due to anxiety neurosis. This retirement was requested by the Fire Department after Mr. Dash spent the required one year on sick leave.

It is essential to be aware of the fact that Mr. Dash could not seek other employment during that period even if he were medically able to do so since it would have resulted in the forfeiture of any benefits due for his 13 years with the Fire Department.

I trust that you will give due consideration to a review of this material in addition to the information already on file

EXHIBIT

AC-1

with your office.

215

Thank you.

Yours very truly,

*Franklyn J. Engel*

FRANKLYN J. ENGEL

FJE:hw  
encs.



# AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

216

I hereby authorize any hospital or physician(s) who attended, or examined me, my spouse or any child named below to disclose when requested to do so by the CUNA Mutual Insurance Society, or its representative, any and all information with respect to any illness or injury, medical history, consultation or treatment and any privilege with respect thereto is hereby waived. A photostatic copy of this authorization shall be considered as effective and valid as the original.

Date 10-14-72

Signed

*Andre Dash*  
Credit Union Member

Physician may detach for his records



## CUNA MUTUAL INSURANCE SOCIETY

8810 MINERAL POINT ROAD • P.O. BOX 381 • 535-8881 • MADISON, WISCONSIN 53701

Name of Patient (Print)		Date of Birth	
ANDRE DASH		10-14-72	
Address No.	Street	City	State (or Province)
959 Kent	AVE.	BROOKLYN,	N.Y.
Credit Union Name & Address		ZIP Code	
Municipal Credit Union MUNICIPAL BLDG. NY NY		11205	

### ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY

The patient is responsible for the completion of this form without expense to the Company. Space is available on the reverse side if you wish to amplify your answers.

1. HISTORY	
(a) When did symptoms first appear or accident happen?	No. 10 Day 19 70
(b) Date patient ceased work because of disability.	No. 10 Day 19 70
(c) Has patient ever had same or similar condition?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If "Yes" state when and describe	
2. PRESENT CONDITION	
(a) Subjective symptoms	ANISTY NEURVOIS, ENLARGED LIVER,
(b) Objective findings	HYPERTENSION
(c) In patient: Ambulatory? <input type="checkbox"/> Bed confined? <input type="checkbox"/> House confined? <input type="checkbox"/> Hospital confined? <input type="checkbox"/>	
3. DIAGNOSIS	
4. TREATMENT	
(a) Date of first visit	No. 9 Day 71 19 70
(b) Date of last visit	No. 10 Day 15 19 72
(c) Frequency of visits	Weekly <input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Other
(d) When did you last examine the patient?	No. 10 Day 15 19 72
5. PROGRESS	
Recovered <input type="checkbox"/> Improved <input type="checkbox"/> Unimproved <input checked="" type="checkbox"/> Retrogressed <input type="checkbox"/>	
6. EXTENT OF DISABILITY	
(a) Is patient now totally disabled?	FOR ANY OCCUPATION Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> FOR HIS REGULAR OCCUPATION Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(b) If no, when was patient able to go to work?	No. Day 19 No. Day 19
(c) If yes, when do you think patient will be able to resume any work?	Approximate Date Indefinite. No. Day 19
(d) If yes, is patient a suitable candidate for a rehabilitation program?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. MENTAL CONDITION	
Is the patient competent to endorse checks and direct the use of the proceeds thereof? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

(OVER)

Complete appropriate section, if disability is due to CARDIAC CONDITION or VISUAL IMPAIRMENT.

### B. CARDIAC

(a) Functional capacity (American Heart Ass'n.) ...

Class 1 (No limitation) ☐  
Class 3 (Marked limitation) ☐

Class 2 (Slight limitation) ☐  
Class 4 (Complete limitation) ☐

(b) Blood pressure ... 100/40

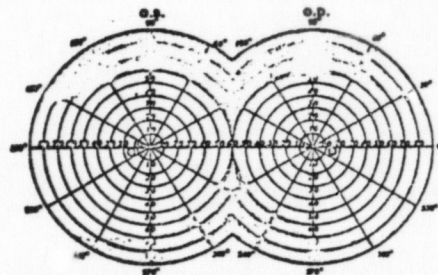
### 9. VISUAL IMPAIRMENT

(a) What was vision at last observation? ...

With Glasses .....  
Without Glasses .....

(Snellen Notation)  
O.D. \_\_\_\_\_ O.S. \_\_\_\_\_ Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19\_\_\_\_  
O.D. \_\_\_\_\_ O.S. \_\_\_\_\_ Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19\_\_\_\_

(b) If fields of vision are contracted, show contraction on chart.



(c) Date corrected vision was irreversibly reduced to 20/200 or less in the better eye .....

Mo. \_\_\_\_\_ Day \_\_\_\_\_ 19\_\_\_\_ O.D. ☐ O.S. ☐

(d) Vision can be restored in whole or in part by ...

O.D. Lenses ☐ Treatment ☐ Operation ☐ Not restorable ☐  
O.S. Lenses ☐ Treatment ☐ Operation ☐ Not restorable ☐

### REMARKS:

PATIENT IS RETIRED FOR DISABILITY AS A NYC FIREFIGHTER  
SINCE 9-2-71

(Retired)  
Patient was discharged from Fire Department  
because of anxiety neurosis. with 100% disability from  
the City of New York.

	DATE	SIGNATURE (Attending Physician)	M.D.	TELEPHONE
		<i>Marion H. Harris MD</i>		443-7300
	STREET ADDRESS	CITY OR TOWN	STATE (or Province)	ZIP CODE
	1143 DEKALB AVE			11221



BEDFORD-WILLIAMSBURG MEDICAL GROUP

1143 DEKALB AVENUE  
BROOKLYN, N. Y. 11221

443-7300

218

October 31, 1973

Irving Engel  
Franklin J. Engel  
Counsellors At Law  
50 Court Street  
Brooklyn, New York 11201

RE: Mr. Andre Dash

Dear Sirs:

This is an abstract of Mr. Dash's records that you requested.

September 1971: 46 year old male patient desires physical examination, he stated he was retiring from the New York City Fire Department - anxiety neurosis. Laboratory test was ordered.

October 21, 1971: Advice on how to obtain records and have them sent to our HIP group.

January 1, 1972: Complete physical - No complaints - Blood pressure 140/70. Chest clear to P&A. Heart regular rhythm, no rub, thrill precordial heave. No murmurs. Abdomen soft. No organomegaly. Rectal good splinter tone. Prostate within normal limits.

September 20, 1973: Weight 187½. Blood Pressure 160/90. Low salt diet.

October 18, 1973: Note filled out for Insurance. Anxiety neurosis 100% disability and retired from New York City Fire Department.

March 23, 1973: No complaints. Blood Pressure 140/90 Weight 193. Chest clear to P&A, Heart regular rhythm. Abdomen soft.

The report that was mailed to the CUNA Insurance Society stating that Mr. Dash suffered from anxiety neurosis, enlarged liver and hypertension was taken from the New York Diagnostic Center Study which was dated 7-17-71.

Yours truly,

*Warren H Goins, M.D.*  
Warren H. Goins, M.D. (M)

WHG/vm



CITY OF NEW YORK  
FIRE DEPARTMENT

219

MEDICAL DIVISION  
278 SPRING STREET  
NEW YORK, N.Y., 10013

ALgonquin 5-3226

December 19, 1973

Irving Engel  
Franklyn J. Engel  
Counsellors at Law  
50 Court Street  
Brooklyn, N.Y. 11201

Re: ANDRE DASH

Sirs:

In reply to your request for medical information concerning the above, we wish to inform you that Andre Dash was in our employ from June 6, 1958 until September 2, 1971. He was appointed as a Probationary Fireman and advanced to Fireman 1st Grade at which rank he was retired for a non-service connected disability. He received compensation commensurate with those ranks. Enclosed you will find copies of his medical record, medical retirement minutes and a report from Dr. Edward L. Pinney. We hope that these will satisfy your needs.

Very truly yours,

*Biagio Battaglia*  
BIAGIO BATTAGLIA M.D.  
Acting Chief Medical Officer

Attached:  
MD-9 Medical Record  
Medical Minutes  
Report Dr. Pinney

MEDICAL DIVISION

Examined and Forwarded

*B-19*

1973

*James Walsh*  
VALIDATED  
*Robert*

*Approved*  
*James F. Jolles*

*James F. Jolles*  
Chief of Department  
Medical Division



CITY OF NEW YORK  
FIRE DEPARTMENT

220

MEDICAL BOARD -- PENSION FUND, ARTICLE 1-B

TO: Board of Trustees,  
New York Fire Department Pension Fund  
Article 1-B

Medical Board Meeting Held April 26, 1971

We, the members of the Medical Board as constituted by Section B19-7.63 of the Administrative Code of the City of New York, do hereby certify that this date we have examined Fireman  
1st Grade ANDRE DASH, Engine Company 293.

for an ordinary disability.

This examination was made upon application of the Member and/or the Fire Commissioner under the provision of Section B19-7.83 of the Administrative Code.

The I-B Medical Board investigated the case of Fireman Dash on March 15, 1971 and referred him to Dr. Edward L. Finney, Jr., a Psychiatrist, for an opinion concerning the severity of his anxiety reaction. Final opinion was deferred until this was obtained.

The I-B Medical Board has reviewed the application of the Fire Commissioner for an ordinary disability retirement, non-service connected. The Board has considered the opinion of the consulting Dr. Edward L. Finney, Jr., who examined Fireman Dash and found that he has an anxiety reaction, severe, and that he would be unable to resume full duties in the Fire Department.

The I-B Medical Board agrees in this opinion and recommends that Fireman

(C V B R)

Date Signed

ANTHONY J. PISANI, M.D., Chairman

Date Signed

SIGMUND RAGE, M.D.

Date Signed

BERNARD BLICKMAN, M.D.

BEST COPY OBTAINABLE

1st Grade Andre Dash be granted an ordinary disability pension as he is unfit  
for full fire duty.

RECEIVED

MAY 6 1971

MAIL UNIT



## CITY OF NEW YORK

222

B-19-7.83  
B-19-7.83

## FIRE DEPARTMENT

## MEDICAL BOARD -- PENSION FUND, ARTICLE 1-B

TO: Board of Trustees,  
New York Fire Department Pension Fund  
Article 1-B

Medical Board Meeting Held March 15, 1971

We, the members of the Medical Board as constituted by Section B19-7.63 of the Administrative Code of the City of New York, do hereby certify that this date we have examined Fireman 1st Grade ANDRE DASH, Engine Company 293 for an ordinary disability.

This examination was made upon application of the Member ~~and/or the Fire Commissioner~~ under the provisions of Section B19-7.83 of the Administrative Code.

~~This Article 1-B Medical Board has considered the case of Fireman 1st Grade Andre Dash who is alleged to be unfit for full fire duty because of non-service connected anxiety reaction. This 1-B Board notes that he has a history of emotional up-set and has been attending the Psychiatric Outpatient Clinic of the Veterans Hospital for over thirteen years. In addition, he has taken tranquilizers to alleviate his anxiety feelings. This 1-B Medical Board is of the opinion that Fireman Dash does have an anxiety reaction. However, whether or not this is severe to disable him is not clear. We note that he has lost 127 days for non-service reasons and service-connected since his appointment in 1958. We recommend that~~

Date Signed: \_\_\_\_\_

*Anthony J. Pisani, M.D.*  
ANTHONY J. PISANI, M.D., Chairman

Date Signed: \_\_\_\_\_

*Norman Blackman, M.D.*  
NORMAN BLACKMAN, M.D.

Date Signed: \_\_\_\_\_

that he be referred to Dr. Edward Pinney for his evaluation as to whether this man is disabled by virtue of his anxiety reaction.

We are in the addition awaiting for the report which is apparently in the process of completion by his psychiatrist, Dr. David S. Goldman, and we feel if this information, along with Dr. Pinney's information is available a final opinion can be reached.





CITY OF NEW YORK  
FIRE DEPARTMENT

224

MEDICAL DIVISION  
278 SPRING STREET  
NEW YORK, N.Y., 10013  
ALgenquin 5-3226

April 5, 1971

To: William F. Seifried, Chief in Charge , P & A  
From: John V. Schneible, Deputy Chief of Department  
Subject: Medical Report

Name: Andre Dash  
Rank: Fireman 1st Gr.  
Unit: Engine 293

Attached is report from Doctor Edward  
L. Pinney dated March 30, 1971 relating  
to Fr. Dash.

Fr. Dash was sent to see Dr. Pinney at  
the request of the 1- E Medical Board.

Note: Refer to Chief Seifried directive dated 3-16-71

Respectfully Submitted,

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Deputy Chief  
Medical Division

EDWARD L. PINNEY, JR., M. D.  
21 EAST 66th STREET  
NEW YORK, N. Y. 10021  
(212) 879-8870

P M F 225

March 30, 1971.

Deputy Chief John V. Schneible,  
Medical Division,  
Fire Department,  
278 Spring Street,  
New York, N. Y. 10013

Dear Chief Schneible:

Re: Andre Dash

I saw Andre Dash on 3/25/71. His complaint was that he felt he was "removed from details within the job due to racial overtones." He said he felt that he let himself become "overcome by anxieties." He gave a history of struggling for fair treatment for himself as a Negro and other Negroes. He has been upset to the point of having extra systoles and has been getting treatment from a Veteran Administration's doctor and taking medication.

At the interview he was preoccupied, appeared tense and concerned excessively and unnecessarily. He was oriented and showed no sign of an overt psychosis. However, he gave a history of difficulty in getting along with his supervisors in working for the Fire Department in more than one capacity.

It appears to me that his Anxiety Reaction is chronic and severe and to some extent related to his concern about being maltreated as a Negro. I do not believe he will ever be able to resume full duties.

Sincerely,

*Edward L. Pinney, Jr., M.D.*

Edward L. Pinney, Jr., M.D.

Encl. 2





CITY OF NEW YORK  
FIRE DEPARTMENT

File in No. \_\_\_\_\_

Termination Date \_\_\_\_\_

In Reply Refer to \_\_\_\_\_

MD-70 (6/66)

226

~~Nov. 19, 1970~~  
DATE

To: Robert O. Lowery, Fire Commissioner  
From: Gabriel P. Seley Chief Medical Officer  
Subject: Member appearing before Medical Board.

Kindly be advised that ~~Fireman Andre Dash~~  
of Engine Co. 293, appeared before the Medical Board Committee  
this date for an examination to determine his ~~(status)~~ (physical condition).

After an examination of Fr. Dash and the data pertaining to  
his case, it was voted Unanimously **UNFIT FOR FULL FIRE DUTY**  
that he is ~~deemed to be~~  
(physically) due to Anxiety reaction

~~This is a partial permanent disability caused by his performance~~  
of ~~his duties~~ Recommend limited service

Fr. Dash is 46 years of age,  
appointed in the Department 6-14-50.

Remarks Transcript of medical minutes attached

Service connected medical leaves - 47 days

Non-service connected medical leaves - 303 days

Respectfully submitted,

CHIEF MEDICAL OFFICER



CITY OF NEW YORK  
FIRE DEPARTMENT

227

MEDICAL DIVISION  
278 SPRING STREET  
NEW YORK, N.Y., 10013

ALgonquin 5-3226

November 19, 1970

Medical minutes in the case of Fireman Andre Dash, Engine Co. 293.

Fr. Dash, born 9-10-24, appointed 6-14-<sup>53</sup>50, appears for physical condition.

He is at present on sick leave because of a fracture of the right hand sustained in an off duty altercation. Prior to this injury he was on light duty since August 5, 1970 for an anxiety reaction.

He has a long history of emotional upsets and has been attending Psychiatric Clinic of the Veterans Administration Hospital. He requires and uses tranquilizers. A compilation of sick leaves through December 1969 showed 287 days lost for non-service connected reasons and service connected days lost.

At present he is in a cast with internal fixation. The cast will be removed this week. He will be returned to light duty.

It is the opinion of this board that Fireman Dash is unfit for full fire duty due to anxiety reaction and we recommend he be placed in limited service.

(signed) Drs. Ginsburg, Robinson, Cutler



DATE OF EXAM.	AGE	HEIGHT	WEIGHT	FORMER OCCUPATION	CHIEF COMPLAINT	EXAMINATIONS	VISION	HEARING	HEART	LUNGS	DOCTOR EXAMINED BY
6-6-58	33	5-7	158	Taxi Driver							Kramer-Post Team No.
10-2-58											Kalkstein

DASH, ANDRE

Wasserman negativ

X-ray Chest negati

# MEDICAL HISTORY

		DAYS LOST
		Sickness
1959 June 9	1959 Feb 26, D.O. #37 resigned as of Feb. 24, 1959	
	AS PER D.O. 108 THIS DATE REINSTATED 9 A.M. JUNE 10, 1959 AND ASSIGNED TO ENGINE COMPANY 214	
1960 Jan 22	Reed Box 883 SLG by Dr Battaglia for 1st Deg Face Burns Ord Full Duty 1-26-60	
1960 Feb. 23	VR/SLG. Dr Bridge Access L/Hand Finger Ord F.D. 3-1-60	7
1960 Sept. 22	VR. S.L.G. by Dr. Bridge for Sprain L/Ankle Off duty	
1960 Sept. 22	R/SLG Dr. Bridge for Sprain L/Ankle FID duty Ord. full duty 10/1/60	
1961 Jan. 8	VR/SLG. Dr. Bridge Laryngitis Ord. light duty 1/14/61	6
1961 Jan. 24	VR Light duty revoked SLG by Dr. Gabrilove for Swollen left cheek Ord. full duty 1/31/61	7
1961 March 12	VR SLG by Dr. Bridge for Oral surgery Ord. full duty 3/15/61	3
1961 March 14	Reed box 33-878 Bklyn. Dr. Diamond for Spoke Inhalation. S.L.G. by Dr. Bridge for Tooth Extraction	
1961 Sept. 11	VR SLG by Dr. Gerendasy for Infected tooth Ord. full duty 9/15/61	4
1961 Dec. 6	VR SLG by Dr. Bridge for laceration 4th right finger rec off duty ordered full duty 12-9-61 Ord. full duty 12/20/61	228

(1)

# RECORDS

1961 June 18th	WM SLG Dr ( ng for Pain in Le an(Back)( Ord FD 6-27-62	
1961 July 16	VR no time by Dr. Cutler - apparatus accident - no apparent injuries	
1962 Sept 11th	VM SLG Dr Cutler for Laceration of Left Hand(off duty)5 sutures Wyckoff Hgts Hosp	
	Ordered full duty 10-18-62	
1962 Dec. 20	VQ SIG BY DR. BRIDGE FOR HIVES ORD FULL DUTY 12/22/62	2
1963 Jan. 22	VR SLG by Dr. Bridge for Flu ORD FULL DUTY 2/6/63	15
1963 Apr. 20	VB NO TIME BY DR. BATTAGLIA FOR SOME CONJUNCTIVITIS	
1963 Apr 23	VR SLG Dr Cutler for URI Ord FD 5/13/63	20
1964 Nov. 16	VR SLG by Dr. Aufses for Sore Throat Ord full duty 11-23-64	7
1965 Jan 29	VM SLG Dr Battaglia for fungus infection L/foot=NSC FD 1/8/65	10
1965 Mar. 8	VM SLG BY DR. ROBINSON FOR 2nd DEGREE BURNS BOTH FOREARMS & RT HAND NSC	
	Ord FD 4-6-65	2
1966 Oct. 13	VR SLG by Dr. Aufses for URI Ord. Light Duty 10/22/66	9
	Ord FD 11-28-66	
1967 Nov 1	VM SLG Dr Ginsburg for mallet finger=Undet. ORD L.D. 11-18-67	
1968 Jan 2	VR SLG BY DR. DAY FOR SORE THROAT ORD FULL DUTY 1-9-68	7
1968 April 29 ✓	VR SLG by Dr. Frieder for U.R.I. Ord. full duty 5/2/68	2
1968 July 29	VR SLG Dr Bridge for U.R.I. Ord FD 8-3-68	5
1968 Oct 29	VR/slq by Dr Diamond for pharyngitis (nsc) FD 11-4-68	6
1969 Feb 9	VR SLG by Dr Connell for virus FD 2/19/69	10

## EXAMINED FOR RETIREMENT

AGE	HEIGHT	WEIGHT	VISION	HEARING	HEART	LUNGS	LIVER	URINE	GEN. APPEARANCE	SUMMARY AND CAUSE	EXAMINED BY DOCTOR





